

## HOUSE OF REPRESENTATIVES—Tuesday, July 19, 1994

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETE GEREN of Texas).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 19, 1994.

I hereby designate the Honorable PETE GEREN to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,

Speaker of the House of Representatives.

## MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member except the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

## CLINTON DEFENSE CUTS ARE RETURNING US TO A HOLLOW MILITARY

Mr. HEFLEY. Mr. Speaker, there is a perception out there that defense spending has not been reduced, and that there is plenty of money in the defense budget to be tapped for other purposes. Nothing could be further from the truth.

In 1992 candidate Clinton called for \$60 billion in additional defense cuts beyond the cuts that President Bush had proposed.

President Clinton has nearly tripled his defense cuts. He is now calling for \$156 billion in additional cuts. This year's defense budget represents the 10th straight year of decreased defense spending. The defense budget is 35 percent smaller than in 1985.

Under the Clinton defense blueprint, by 1999 the defense budget will account for only 2.8 percent of gross domestic product. At no time since before World War II have we dropped below 4.4 percent of gross domestic product.

During the same time, domestic spending is slated to increase by 12 percent, entitlements by 38 percent. It is

clear that Bill Clinton is raiding the defense budget to fund new social spending.

What effect does this have on our military? Although only 10 percent of the Clinton defense cuts have been made, enlistment in the Armed Forces is down. The quality of recruits is dropping. The voluntary military concept which has worked so well in this country is threatened.

Active duty military personnel has decreased by 32 percent, 45 percent of our Army divisions are gone, Navy battle force ships are down 37 percent, and attack/fighter aircraft are down 40 percent from 1985 levels.

Defense cuts means lost jobs. Under the Clinton plan 15,000 soldiers and DOD civilian personnel will lose their job every month.

In the private sector, the Bureau of Labor Statistics predicts that the Clinton defense cuts will result in 1.2 million defense-related jobs between now and 1997.

What do these cuts do to our ability to fight and win wars?

The United States has always maintained a force capable of winning two simultaneous wars.

Last year, the Clinton administration changed that policy to being able to win two nearly simultaneous Persian Gulf type wars.

The Clinton plan calls for maintaining only 10 active Army divisions.

During Desert Storm, the United States deployed the equivalent of eight active Army divisions.

If we deployed 8 divisions during Desert Storm, how can the United States possibly win two wars with only 10 divisions?

Even if the United States deployed every Army division simultaneously, which is not only dumb, but also impossible, it could not win two nearly simultaneous wars.

Simply, the Clinton defense numbers do not match the U.S. commitments around the globe.

The Clinton administration has exercised a tentative and inconsistent foreign policy, increasing the need for a strong national defense.

In Somalia, Clinton expanded our role to include nation-building. This fuzzy policy not only cost the lives of U.S. soldiers, but sent the signal to foreign leaders that U.S. resolve was lacking.

How about Haiti? In October Clinton sent the U.S.S. *Harlan County* to Haiti; the ship was recalled after being chased away by a small angry mob. Candidate

Clinton did not support the Bush policy of returning Haitian refugees. President Clinton does support this policy, or does he? It is a little hard to tell whether he does or not. One day he does and the next day he does not. Now Clinton is beating the drums of war with Haiti.

In Neville Chamberlain style, Bill Clinton has appeased North Korea on their desire to create a nuclear weapons program. Clinton first held firm regarding nuclear inspections; now vacillation has forced our retreat from the inspection demand.

There is no clearer example of the timid Clinton foreign policy than in Bosnia. First we support air strikes, then we don't. On again, off again. Retreat and appease.

An inconsistent foreign policy makes it more likely that the United States will need to use force. The bullies of the world just won't believe in U.S. resolve anymore.

Ronald Reagan once said, "If we are forced to fight, we must have the means and the determination to prevail or we will not have what it takes to secure the peace." Under the Clinton defense plan, the United States may not have the means to secure the peace.

Mr. Speaker, I was in the field over this last weekend with a lot of young soldiers training in tank commands and doing simulated war exercises, and I found them to be dedicated and enthusiastic. I find these young people want to be soldiers, want to do their best, want to defend their country, but the disturbing part of it was that I also found deep in their minds was the concern, does America want us, does America support us?

That is not the kind of attitude we need our young soldiers to have. We need to assure them that we do support them, that we do need them, that we are behind them, and that we have a resolve to have the strongest, best defense system in the world.

## HAITIANS SUFFER BECAUSE OF MISALIGNED U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 4 minutes.

Mr. GOSS. Mr. Speaker, here we are. It is another week. We still have the same horrible, critical situation in Haiti, where people are suffering because of our misaligned foreign policy

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

there. If anything, a week later the situation is worse. It is more repressive for the people who are trying to get along, have jobs, a way of life in Haiti, and if anything, the diplomatic situation is more confusing.

Mr. Speaker, we read now the possibility that the justification for an invasion may be because some American lives are in danger. In fact, we have checked and we have checked again recently, and we find that there is no such threat to our American personnel there. There is the possibility of a threat to Americans possibly being in danger, as there is in any foreign country.

Mr. Speaker, I think it is fair to say that the administration has not made any kind of a case at all that is compelling, either to the American people or to the U.S. Congress, about why we would want to invade in Haiti. I have been looking at the polls.

Last week we had the Newsweek poll that said something like two out of three, more than two out of three Americans thought an invasion was a very bad idea, especially a unilateral invasion. They were opposed to it. That is confirmed, I understand, by a new CBS poll which says essentially the same thing, two out of three think it would be a very bad mistake.

The administration has failed to build any type of a constituency or support for any kind of an invasion, and understandably so, because there is no justification. There is no national security reason. Haiti is not going to attack us. We are not going to wake up tomorrow morning and find the Haitian Navy sailing up the Potomac River.

□ 1040

I think the second part of the problem that has emerged is the confusion over the OAS/U.N. peacekeeping efforts in the event that Cedras and the military junta left. We have had estimates all the way from 15,000 to 20,000 people and we have had statements by Secretary-General Boutros-Ghali that the United Nations cannot afford a peacekeeping operation like that. Of course the White House has a different figure of what it would take and the Special Counsel to the President, Mr. Gray, has a different figure of what it would take.

The question is who does one believe? Who do we believe when they start telling you that it is going to take 10,000, 2,000, 20,000? It is going to take a lot of people to do peacekeeping in Haiti, especially if we invade. It seems that we have missed a good bet.

I read in the paper this morning, in fact I have read twice, once yesterday, once today, that Cedras is offering to retire. He has said he will leave at the end of his term, which is a few months away, in January 1995. Are we going to invade to get him to leave more rapidly

than that if in fact he will leave? I think that we are overlooking that just as we are overlooking the military leaders' new efforts to negotiate attempts to discuss a negotiated settlement rather than a military settlement to the problem. It is reported today in USA-Today."

We apparently in our Government are saying, "Well, we won't talk to those people because they are not legitimate." Well, they may not be legitimate in diplomatic terms, certainly the Jonassaint government is not legitimate, but the fact is, they are the people we have to talk to because they are the people causing the problem. We need to open up, as Mr. Pezzullo said before he was fired by the administration, "We need to open up that diplomatic track and start talking to the moderates in Haiti and work for a negotiated settlement." Indeed, there are some moderates and there is some desire amongst the military to work out a negotiated settlement, as there well should be, and as we all encourage should happen.

While all this is happening, we are watching the cash register tick off ever more taxpayers' dollars to support this. Right now we are into this to the tune of a quarter of a billion dollars—that's \$250 million so far for this inept policy. The estimate of an invasion, I saw one gentleman from the Pentagon said, an invasion would cost about \$1 billion. Well, I will tell you if we took that \$1 billion and that quarter of a billion dollars we have already spent and we divided it up amongst all the people in Haiti, we would probably do more for that country and build democracy than just about anything else we could have done with that money, in terms of their ability to go out and start getting medicine they need, food they need, shelter they need and investment they need in their infrastructure to get that country back on the democratic track again.

Today I am going to put in the hopper a piece of legislation. It is a sense-of-Congress, saying to the President, don't invade Haiti unless he can certify to the Congress that there is a clear and present danger to the citizens of the United States and that the United States interest requires such action. I hope my colleagues will consider it carefully.

#### COMMEMORATING THE 25TH ANNIVERSARY OF THE APOLLO MOON MISSION

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 4 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning I want to talk

about some friends of mine, Neil Armstrong and Buzz Aldrin. Buzz Aldrin and I went through flying school together and fought in Korea together. We were fighter pilots together.

Twenty-five years ago tomorrow, Neil Armstrong and my friend Buzz walked on the Moon. Among their footprints and the American flag is a plaque stating "We came in peace for all mankind."

If left undisturbed by man, the scene will remain entirely as they left it for many thousands of years. My hope is that we allow it to remain for history undisturbed. Our research and space programs have been destructively reduced, so I come to the well today to speak of that yesterday, the Moon landing, and all the tomorrows ahead of us. We owe the fine men and women of the Apollo program, both in space and on the ground, our thanks. Counting Apollo 11, there were six Apollo missions to the Moon until 1972. No other nation has returned since then.

Twenty-five years have passed since that first space walk. An entire generation has grown to adulthood without knowing space travel. What many of you accept as part of your consciousness being an eyewitness to such a moment as I was, this generation can have no experiential feeling for. So you might ask me if it is really so important to have been a part of that particular moment in time. My answer is a resounding yes.

But, you see, I missed it. When Aldrin and Armstrong were flying to the Moon, I was sitting in the Hanoi Hilton prisoner-of-war camp in Vietnam. I not only missed all of the Moon missions but I thought the Russians had gotten there first because that is what the Vietnamese told us.

Buzz said he waved to me as he flew over Vietnam. In 6½ years, you miss an enormous amount of shared reality and freedom that your contemporaries take for granted. So I firmly believe that it is imperative we impart the facts as well as the feelings to this latest generation.

I hope July 20, 1969, will be remembered as a day when courage overcame fear of the unknown, when confidence replaced doubt, when insurmountable odds became a challenge, when humankind reached beyond the bounds of reality, not just to touch the unknown but to embrace it.

You see, mankind is at its best when confronted with tough challenges. I would like to be able to tell my grandchildren that when we faced tough choices and long odds, we looked into an uncertain future with the same courage that the Apollo astronauts had. That we decided bold ventures and glorious undertakings were to be found not on the fields of battle but inside microscopic worlds and out there among the stars.

So take a little time tomorrow to remember Apollo 11 and Michael Collins,



Neil Armstrong, and Buzz Aldrin and to thank them for more than just the mission. America owes them a great deal.

#### MANDATES WILL LOSE JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized during morning business for 2 minutes.

Mr. TORKILDSEN. Mr. Speaker, I want to applaud my colleague, the gentleman from Texas, for those great words on the Apollo program.

I rise today to speak about a different subject, Mr. Speaker, while there is much debate on what the impact of an employer mandate for health care will be, one point should be clear. The employer mandate will cost jobs.

The employer mandate issue is so frightening that some advocates now use the terms "soft trigger" and "hard trigger," enabling them to talk about employer mandates without ever mentioning the M word.

An employer mandate by any other name would still cost hundreds of thousands of Americans their jobs, especially those in entry level jobs, those who need the most help from health care reform.

Whether implemented by a trigger or some other euphemism, a mandate will still be a job killer, as employers lay off some workers to pay for the health care premiums of other workers.

That is the cruelest part of the mandate: Some will lose their jobs so that others can have health insurance. Shouldn't we be working for reform that makes health care accessible for all Americans, without forcing layoffs to pay for that health care?

Health security should not come at the expense of job security. We need to make health care more accessible and affordable for all Americans.

#### CLINTON RANGE REFORM PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 4 minutes.

Mr. THOMAS. Mr. Speaker, there is a war in the West. The previous speaker talked some about the complexities of the Clinton health care plan. Let me tell you that the complexities of the Clinton range reform plan are equally as destructive and difficult. I came just this weekend from another appearance of Secretary Bruce Babbitt in the West to talk about rangeland reform. This was the hearing that was held by the Senate Committee on Energy and Commerce, Senator WALLOP. It brought out about 250 family farmers and ranchers in Wyoming to talk about their future on public lands. It brought about peo-

ple who were talking about the opportunity to stay in business as opposed to going out of business.

Under the plan, the Agriculture Department, FmHA, has indicated that about 50 percent of the borrowers that are on public lands would go out of business under this plan.

About 50 percent of Wyoming belongs to the Federal Government, more than that in most Western States, as a matter of fact. We have some 29 million acres that belongs to the Federal Government, most of it in the 13 Western States.

These lands have to be used in multiple use if we are to have an economic future in the West and they are designed for multiple use. These are not National Parks, these are not wilderness areas, these are BLM lands, these are the lands that were left after the land was taken up in homestead. These were residual lands that, frankly, were not usable.

In the early days the owners came in who homesteaded and they homesteaded along the creek bottoms and they homesteaded along the better lands, and these were lands that were left, frankly. No one wanted them. Originally the BLM Act said they would be managed pending disposal and they were not disposed of, and I have no quarrel with that particularly, although I would like to see them transferred to the States. The fact is they are for multiple use and the war in the West goes on, despite a letter to the editor from the staff director of the majority in the House, which says that these are barons, mineral barons and land barons.

I wish he could have been with me, these are barons all right. These are family barons. These are people who support their communities, who's downtown businesses depend upon the basic tax base of the communities, depend upon the multiple use of these lands.

The most egregious example, it seems to me, is the over effort in the area of rangeland reform where we have an expansive solution to a relatively modest problem.

Overgrazing conditions can be taken care of under the law. The fact is the land is in better shape than it has been for years. BLM's own figures show that.

Hunting and fishing, we have a great many more antelope, deer, elk, and mountain sheep than we have had before.

We need to do something about riparian grazing. We can do that now. We have this expansive reform as is the case in this administration of every change that they want to make. They call it some reinvention or reform, or some kind of revolution. It does not require a revolution. It requires sensible management of resources.

It is not just grazing. It has to do with timber, it has to do with oil, and

gas, and trona, soda ash, it has to do with water. It has to do with endangered species. Basically and most of all it has to do with the multiple use of resources that belong to all of the people.

We can provide for family ranches to continue to graze those lands. We can provide for timber cutting which is required to have healthy forests. We can continue in an environmentally sound way to have exploration and production of oil and gas. We need to do this. This is not just a matter of grazing. This is a national matter of the best use, the best use of our natural resources.

So there is a war in the West, and it continues despite the protestations of the administration. It continues despite the delays which are put in, interestingly enough, after November, which may have some impact on Democrats running in the West. There is a war in the West.

There is a war in the West and it is a war on the economic future of people who live in the Western States and all of the impacts it has on infrastructure and education, and children.

I think we need to use those resources effectively. We need to use them in a balanced way and we can do this and continue to have an economic future.

#### RECESS

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly, (at 10 o'clock and 54 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

#### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the days go on with all the needs that must be met, remind us, O gracious God, not only of the world of action and duty, but also to see more clearly the reality of the spiritual and the holy, the place of gratitude and thanksgiving, the realm of faith and hope and love. Guide us, O God, in the things of the spirit, that we will truly be the people You would have us be. In Your name, we pray. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance.

Mr. WISE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building"; and

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries;

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; and

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4539) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4453) "An Act making appropriations for military construction for the Department of Defense for the fiscal ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. SASSER, Mr. INOUE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994; and

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

#### PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

#### TANIA GIL COMPTON

The Clerk called the Senate bill (S. 537) for the relief of Tania Gil Compton.

There being no objection, the Clerk read the Senate bill as follows:

S. 537

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. IMMEDIATE RELATIVE STATUS FOR TANIA GIL COMPTON.

(a) IN GENERAL.—Subject to subsection (b), Tania Gil Compton shall be classified as a child within the meaning of section 101(b)(1)(F) of the Immigration and Nationality Act for the purposes of the approval of an immediate relative visa petition filed by her adoptive parent, and the filing of an application for an immigrant visa or adjustment of status, under that Act.

(b) ADJUSTMENT OF STATUS.—If Tania Gil Compton enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully, and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act, except that paragraph (2) of section 245(c) of that Act shall not apply.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 90 days after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tania Gil Compton, the Secretary of State shall instruct the proper officer to reduce by one

number, for the current or next following fiscal year, the total number of immigrant visas available under section 201(c)(1)(A) of the Immigration and Nationality Act, in accordance with clause (ii) of that section.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—No natural parent, brother, or sister, if any, of Tania Gil Compton shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MARK A. POTTS

The Clerk called the bill (H.R. 3718) for the relief of Mark A. Potts.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### ORLANDO WAYNE NARAYSINGH

The Clerk called the bill (H.R. 2266) for the relief of Orlando Wayne Naraysingh.

There being no objection, the Clerk read the bill as follows:

H.R. 2266

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. IMMEDIATE RELATIVE STATUS FOR ORLANDO WAYNE NARAYSINGH.

(a) IN GENERAL.—Orlando Wayne Naraysingh shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Orlando Wayne Naraysingh enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Orlando Wayne Naraysingh, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Orlando Wayne Naraysingh shall not, by virtue of such relationship, be accorded any right,



privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LETEANE CLEMENT MONATSI

The Clerk called the bill (H.R. 2411) for the relief of Leteane Clement Monatsi.

There being no objection, the Clerk read the bill as follows:

H.R. 2411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. IMMEDIATE RELATIVE STATUS FOR LETEANE CLEMENT MONATSI.

(a) IN GENERAL.—Leteane Clement Monatsi shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigration visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Leteane Clement Monatsi enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application of issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Leteane Clement Monatsi, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Leteane Clement Monatsi shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JUNG JA GOLDEN

The Clerk called the bill (H.R. 1184) for the relief of Jung Ja Golden.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### FANIE PHILY MATEO ANGELES

The Clerk called the bill (H.R. 2084) for the relief of Fanie Phily Mateo Angeles.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### DISPENSING WITH FURTHER CALL OF PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that further proceedings under call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 19, 1994.

Hon. THOMAS S. FOLEY,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House received at 3:37 p.m. on Monday, July 18, 1994 as follows:

(1) Said to contain a message from the President wherein he submits a 6-month periodic report with respect to the national emergency with Libya.

(2) Said to contain a message from the President whereby he submits an agreement, with annex between the U.S.A. and Lithuania extending the fishery agreement until December 31, 1996.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,  
Clerk, House of Representatives.

#### EXTENSION OF FISHERY AGREEMENT WITH ANNEX BETWEEN THE UNITED STATES OF AMERICA AND LITHUANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

*To the Congress of the United States:*

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries

off the Coasts of the United States, with annex. The agreement, which was effected by an exchange of notes at Vilnius, Lithuania on February 22, 1994, and May 11, 1994, extends the 1992 agreement to December 31, 1996. The exchange of notes, together with the 1992 agreement, constitutes a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 18, 1994.

#### REPORT WITH RESPECT TO NATIONAL EMERGENCY WITH LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I hereby report to the Congress on the developments since my last report of February 10, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ["IEEPA"], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Corporation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. As previously reported, on December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of certain U.S.-origin products, including equipment for refining and transporting oil, unless consistent with United Nations Security Council Resolution 883.

2. There have been two amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ["FAC"] on the Department of the Treasury, since my last report on February 10, 1994. The first

amendment (59 Fed. Reg. 5105, February 3, 1994) revoked section 550.516, a general license that unblocked deposits in currencies other than U.S. dollars held by U.S. persons abroad otherwise blocked under the Regulations. This amendment is consistent with action by the United Nations Security Council in Resolution 883 of November 11, 1993. The Security Council determined in that resolution that the continued failure of the Government of Libya ["GoL"] to demonstrate by concrete actions its renunciation of terrorism, and in particular the GoL's continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. Accordingly, Resolution 883 called upon Member States, *inter alia*, to freeze certain GoL funds or other financial resources in their territories, and to ensure that their nationals did not make such funds or any other financial resources available to the GoL or any Libyan undertaking as defined in the resolution. In light of this resolution, FAC revoked section 550.516 to eliminate a narrow exception that had existed to the comprehensive blocking of GoL property required by Executive Order No. 12544 of January 8, 1986 (3 C.F.R., 1986 Comp., p. 183), and by the Regulations. A copy of the amendment is attached to this report.

On March 21, 1994, FAC amended the Regulations to add new entries to appendices A and B (59 Fed. Reg. 13210). Appendix A ("Organizations Determined to be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)") is a list of organizations determined by the Director of FAC to be within the definition of the term "Government of Libya" as set forth in section 550.304(a) of the Regulations, because they are owned or controlled by, or act or purport to act directly or indirectly on behalf of, the GoL. Appendix B ("Individuals Determined to be Specially Designated Nationals of the Government of Libya") lists individuals determined by the Director of FAC to be acting or purporting to act directly or indirectly on behalf of the GoL, and thus to fall within the definition of the term "Government of Libya" in section 550.304(a).

Appendix A to part 550 was amended to provide public notice of the designation of North Africa International Bank as a Specially Designated National ["SDN"] of Libya. Appendix A was further amended to add new entries for four banks previously listed in Appendix A under other names. These banks are Banque Commerciale du Niger (formerly Banque Arabe Libyenne Nigerienne pour le Commerce Extérieur et le Développement), Banque Commerciale du Sahel (formerly Banque Arabe Libyenne

Maliennne pour le Commerce Extérieur et le Développement), Chinguetty Bank (formerly Banque Arabe Libyenne Mauritanienne pour le Commerce Extérieur et le Développement), and Société Interafricaine du Banque (formerly Banque Arabe Libyenne Togolaise pour le Commerce Extérieur). These banks remain listed in Appendix A under their former names as well.

Appendix B to Part 550 was amended to provide public notice of three individuals determined to be SDNs of the GoL: Seddigh Al Kabir, Mustafa Saleh Gibril, and Farag Al Amin Shallouf. Each of these three individuals is a Libyan national who occupies a central management position in a Libyan SND financial institution.

All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in appendices A and B. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 69 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (33) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent GoL interest. The largest category of denials (18) was for banking transactions in which FAC found a GoL interest. Four licenses were issued authorizing intellectual property protection in Libya.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 126 transactions involving Libya, totaling more than \$14.7 million, were blocked. Four of these transactions were subsequently licensed to be released, leaving a net amount of more than \$12.7 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling nearly \$144,000 for violations of the U.S. sanctions against Libya. Twelve of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. The other three penalties were received for violations involving letter of credit and export transactions.

Various enforcement actions carried over from previous reporting periods

have continued to be aggressively pursued. Open cases as of May 27, 1994, totaled 330. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Department of State and Justice to identify U.S. persons who enter into contracts or agreements with the GoL, or other third-country parties, to lobby United States Government officials and to engage in public relations work on behalf of the GoL without FAC authorization.

On May 4, 1994, FAC released a chart, "Libya's International Banking Connections," which highlights the Libyan government's organizational relationship to 102 banks and other financial entities located in 40 countries worldwide. The chart provides a detailed look at current Libyan shareholdings and key Libyan officers in the complex web of financial institutions in which Libya has become involved, some of which are used by Libya to circumvent U.S. and U.N. sanctions. Twenty-six of the institutions depicted on the chart have been determined by FAC to be SDNs of Libya. In addition, the chart identifies 19 individual Libyan bank officers who have been determined to be Libyan SDNs. A copy of the chart is attached to this report.

In addition, on May 4, 1994, FAC announced the addition of five entities and nine individuals to the list of SDNs of Libya. The five entities added to the SDN list are: Arab Turkish Bank, Libya Insurance Company, Maghreban International Trade Company, Saving and Real Estate Investment Bank, and Société Maghrébine D'Investissement et de Participation. The nine individuals named in the notice are: Yousef Abdel-Razegh Abdellmulla, Ayad S. Dahaim, El Hadi M. El-Fighi, Kamel El-Khallas, Mohammed Mustafa Ghadban, Mohammed Lahmar, Raghib Saad Madi, Bashir M. Sharif, and Kassem M. Sherlala. All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in the notice issued on May 4, 1994. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the notice is attached to this report.

The FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.



5. The expenses incurred by the Federal Government in the 6-month period from January 7, 1994, through July 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately \$1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the GoL continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by United Nations Security Council Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure that the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 18, 1994.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. McCOLLUM. Mr. Speaker, pursuant to clause 1, rule XXVIII, I am announcing to the House that tomorrow I intend to offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The form of the motion is as follows:

Mr. McCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a state crime of violence or state drug trafficking crime.

#### CLINTON ECONOMIC PACKAGE HELPING THE MIDDLE CLASS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the middle class is the foundation of American economic might. Measure the fortunes of the middle class and you measure the national wealth and well being.

Last year folks back in my district were pretty skeptical of the Clinton economic package. They heard a lot of disinformation about how the plan would hurt them. Today, they see that the middle class has actually benefited from the plan.

Congressional action has slashed Federal spending and gutted the deficit. Unemployment has dropped 1.7 percent since 1993. 6,398 jobs are being created each day. We have experienced more job growth since January 1993 than in the previous 4 years. Ninety-two percent of that growth has been in the private sector.

The gross domestic product has held at 3.2 percent for the last five quarters, twice the pace of the previous 4 years, and inflation is holding at a 30-year low.

The 103d Congress has done well by the middle class. It can, and should, do more.

□ 1210

#### HEALTH CARE REFORM IS TOO IMPORTANT TO BE DECIDED BEHIND CLOSED DOORS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, as I take the floor, North Korean Communist leaders are meeting behind closed doors to select the successor to the late Kim Il Sung, the so-called Great Leader. That is the way important decisions are made in an anti-democratic country—behind closed doors.

This is not how we should make decisions in America. And yet, this is exactly how the Democrat leadership is deciding the fate of our Nation's health care system—behind closed doors. This decision will affect every man, woman, and child in America. It will affect one-seventh of our Nation's economy.

Mr. Speaker, health care reform is too important to be decided behind closed doors. It is too important to be decided without an open rule that would allow the democratically elected Members of Congress to debate this issue openly.

Mr. Speaker, this is America, the land of the free, this is not North Korea. We request, and democracy requires, a free and open rule on health care reform.

#### SIGN DISCHARGE PETITION NO. 12

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 1,300 IRS agents were busted snooping through tax returns, invading the privacy of the American people.

It has gotten so bad in some of these episodes that IRS agents actually figured out tax refunds that taxpayers overlooked, filed false, fraudulent forms, got the refunds, and kept this for themselves. Unbelievable, ladies and gentlemen.

The IRS is in our kitchen. The IRS is in our bathrooms. The IRS is in our bedroom. The IRS is in our office. Now the IRS is in our computers, Congress, and the Congress does nothing about it, absolutely nothing, but the truth is the IRS is now in our face, and they are in the face to the American people, and they are in the wallets and pocketbooks of the American people.

They should go to jail for this. Sign Discharge Petition No. 12 and get in the face of the IRS in a heartbeat.

#### THE AMERICAN PEOPLE TAKEN FOR A RIDE ON HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, in a few days President Clinton and some of his Hollywood friends are hopping a bus to tour the country pushing for their big Government health care takeover. But it is the American people who are being taken for a ride.

President Clinton and his allies want Washington bureaucrats telling folks which doctors they can see and which treatments are allowed, price controls, rationing of services. And they want to pay for their new bureaucracy with huge taxes and job killing employer mandates.

Not surprisingly, their plan has millions of Americans calling 911 in a panic and, I do not blame them.

We can do better. Along with many Democrats and Republicans, I am supporting the Rowland-Bilirakis health care proposal to bring real reform without taking away the freedom families have to make their own health care decisions.

#### HEALTH CARE REFORM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, perhaps it is symbolic that you have asked me not to bring out today my display cardboard pizza, because, in a symbolic sense, I may not have a pizza, but

many Pizza Hut employees, we just learned over the weekend, do not have health insurance. Pizza Hut will pay health benefits to its employees in other countries where there are employer mandates, but they will not do the same here in the United States.

Now, what Pizza Hut says is, yes, but you pay much more for a pizza in other countries. Is that not a lot of tomato sauce, since we know the food cost is historically higher in other countries?

We know in Japan, for instance, the dollar-yen valuation changes greatly increase the price of food, and finally, we know that foreign goods produced overseas have much lower health care costs built into their product than we do in ours even though they have comprehensive health care.

Pizza Hut is saying these things, and when they tell you, incidentally, they are giving you extra bread sticks, just remember what they are also giving you is a 30-percent cost shift; that is right, we are paying 30 percent more for our health insurance to cover those employees who do not have health insurance.

Recalculated, for instance, at the additional cost of labor, at the most, it would be 10 cents more on a \$10 pizza, and that is without taking out for workers' comp savings and other significant savings as well.

So when they tell you they cannot afford to provide it here in the United States, just tell them they are giving you a lot of pepperoni.

#### PRESIDENT'S HEALTH CARE PLAN A DISASTER

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, over the weekend the National Governors' Association, a bipartisan association comprised of all the Nation's Governors, joined Pizza Hut and others in bluntly criticizing the Clinton-style plan passed by the House Committee on Ways and Means for the purpose of reforming health care.

The National Governors' Association said, "This plan would put 40 percent of Americans in a costly Government-run entitlement program." Democrat Governor Lawton Chiles of Florida said the bill passed by the Committee on Ways and Means would be a "disaster" if enacted.

Now, this disaster being pushed by Mr. and Mrs. Clinton and others would heap more taxes on business, cause a corresponding loss of up to a million jobs, and would produce a health care system run with the efficiency of the Post Office and the compassion of the Internal Revenue Service, about which the gentleman from Ohio [Mr. TRAFICANT] was explaining to you.

Governor Chiles was right. Such a plan is, indeed, a disaster. President

Clinton should go back to the drawing board.

#### NEW LEGISLATION FOR TEMPORARY EMPLOYEES WOULD BENEFIT SURVIVORS OF COLORADO FIREFIGHTERS

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, of the 14 brave firefighters who died in the Colorado inferno, only 2 were permanent employees. The other 12 were temporary employees who were ineligible for many benefits, including health care and retirement programs.

It is truly cold comfort that their families may be eligible for some benefits, as a result of this tragedy. We must reform the Federal Personnel System to provide fair benefits to the 10,000 seasonal firefighters and law enforcement rangers and tens of thousands of other temporary employees nationwide.

For years, I have been trying to resolve this problem. Last year, after another temporary employee, James Hudson, died after working two shifts in sweltering heat at the Lincoln Memorial, I reintroduced legislation to provide basic benefits to temporary employees.

In response to congressional pressure on this vital matter, the Office of Personnel Management issued proposed regulations providing some assistance to Federal temporary employees.

Today I am circulating a dear colleague and I ask every Member to sign on to my letter to OPM Director Jim King urging OPM to expedite the final regulations. The letter also seeks to have OPM develop a fiscal strategy to provide health and retirement benefits to temporary employees.

We need to fix this issue. It is simply wrong that this issue seems to surface only after great tragedy.

#### DOES BIPARTISAN HEALTH CARE REFORM REQUIRE A TICKET?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I am sure by now you have heard about the administration's proposed health care reform bus extravaganza. This is an event designed to boost the anemic support for the President's plan from its present 32 percent.

Materials distributed by the DNC state that anyone can sponsor a bus, or a leg of the journey, for a mere \$5,000 to \$20,000.

Sponsors riding on the bus get a cap, t-shirt, and a photo taken of them with the bus, in front of the Capitol. But aside from the obvious monetary com-

mitment that these sponsors make is the fact that the DNC is demanding that sponsors sign a pledge.

By signing this pledge, sponsors agree to support whatever bill Congressman GEPHARDT and Senator MITCHELL agree on, without seeing any of the legislative language.

Health care reform should not be reduced to bus trips and pledge cards. This is one-seventh of our economy, and it deserves bipartisan consideration. If this consideration takes prolonged debate, compromise, or even incremental change, then it will be well worth it.

The American people elected us with the expectation that we will work together here on Capitol Hill, not behind closed doors and certainly not on some bus.

□ 1220

#### THE SELF-SUFFICIENCY ACT

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, few issues enjoy unanimous support in this body, but there is one thing upon which most of us agree, and that is that our welfare system is a failure and needs reform. It too often provides people who choose not to work with a better deal than those who choose to take a job. We need to create a system where work is not penalized, and where the logical choice for parents is to work to provide for their children.

As Congress debates reform of our welfare system, it makes sense to give States the flexibility to use an approach to welfare reform that has proven successful. For this reason, today I am pleased to introduce The Self-Sufficiency Act, a bill based on the success of the Single Parent Employment Demonstration Program in Utah.

The Self-Sufficiency Act uses a commonsense approach to welfare that provides assistance to participants who are working toward self-sufficiency, promotes work, and gradually phases out benefits to those who have chosen not to participate. Through this approach, this program has reduced spending on AFDC grants by almost 25 percent in just a year and a half.

Moreover, it can be used in conjunction with most, if not all, of the other welfare reform proposals currently being considered.

Amazingly, 44 Federal Government waivers had to be approved before the demonstration program could use this approach. This bill allows States to forgo the redtape and get on with helping people enter the labor market. It is my hope that this approach will become a national model for welfare reform.



# QUESTIONS ABOUT ON THE DEATH OF VINCE FOSTER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, additional questions continue to be raised regarding the untimely death of Vince Foster, the assistant counsel to the President of the United States. Vince Foster was killed or died by his own hand last July. But it was not until 9 months later, 9 months later, after he was found at Fort Marcy Park that the FBI was called in to do an extensive investigation.

Now, why did they wait 9 months before they went out there with forensic experts to get the information which should have been gotten 1 or 2 days after he was killed or the same day?

Why did Bernie Nussbaum, Patsy Thomasson, and Hillary Clinton's chief of staff go into Mr. Foster's office right after he was dead and for 2 hours extricated files and took them out of his office, went through them very thoroughly, even though Mack McLarty, the chief of staff of the White House, ordered that office sealed? It was not sealed until 11 a.m., the next morning, after they went in and extricated or took all those files out of there. And why 2 days later did they go back in again a second time and the FBI was there with them at that time and they ordered the FBI to stay out in the hall and sit in their chairs? In fact, one FBI agent got up and looked in the room, and they said, "Sit down, this is executive privilege," and they would not let them in. More of these questions will be asked and answered tonight during a special order.

# NEW YORK HEALTH INSURANCE COSTS SKYROCKET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to share with you a scenario about what can happen when individual insurers are required to charge the exact same premium for coverage to anyone who wants it, regardless of health status. This is exactly what the State of New York did in April 1993.

Younger, healthier individuals will be overcharged for health care insurance while older less healthy individuals will be undercharged for their premiums.

The goal of the New York legislation was to increase access and thus increase the number of people who were insured. The consequences, however, produced the opposite effect.

As we strive to reform health care with universal coverage as a major goal, we must also have insurance reforms. We must provide certain safe-

guards to insure stability and solvency in the marketplace.

Let us look at what happened in New York and learn a lesson from this as we move forward with health care reform.

# THE POOR AREN'T POORER

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, according to article in U.S. News & World Report, the poor didn't get poorer during the Reagan-Bush years. Despite the claims based on the class war mindset of this Democratic administration, the poor did better during the Republican administration than they will during the Clinton administration.

Here is what the story says: "Research by a number of prominent scholars suggests that much of the accepted wisdom about the poorest households is wrong. The tax changes and domestic-program cuts of Ronald Reagan and George Bush did not increase inequality; in fact, income inequality and poverty levels are significantly lower today than earlier in the century, and in many respects the material lot of poor families actually improved during the past two decades."

Mr. Speaker, this confirms what Republicans have been saying all along: Bigger government does not help the poor. Better opportunity does.

And this opportunity is not promoted with job-killing employer mandates, business-killing higher taxes, and Big Government bureaucracy and excessive regulation on the private sector.

# GOVERNING IS NOT A CAMPAIGN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, contrary to what the White House war room political consultants might believe, governance is not like a campaign. Every time you run into trouble, you cannot just climb aboard a bus and run over the truth. The truth is, many people who have to live with the Big Government medicine prescribed up by the administration spin doctors are refusing to accept the Clinton health treatment—or the hybrid that is likely to come out of behind-closed-doors Democrat-only meetings now feverishly underway. Americans understand a lot more than the "Trust-me-I'm-from-the-government" types at the White House give them credit for. Most Americans do not want job-killing mandates; they do not want Big-Government bureaucrats making choices for them and they do not want to stand in line for care they know they need. They want a bipartisan approach that fixes what's broken by building on what works.

So let us cancel the bus tour and get down to work on Roland-Bilirakis as a good place to start on bipartisan reform.

# MEDICAL MALPRACTICE REFORM

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, I am pleased to announce that today I will introduce the Medical Malpractice Fairness Act of 1994. This measure has the strong support of former Vice President Dan Quayle—a vocal advocate of medical malpractice reform, as well as the American Medical Association, the Minnesota Medical Association, and numerous other groups.

I find it appalling that not one of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

How can the White House and Democrat leadership go before the American public and say they're trying to reform health care when they virtually ignore the \$15 billion a year that could be saved if my bill was approved.

Serious medical malpractice reform would save consumers billions of dollars each year—in particular it would reduce the cost of the typical hospital stay by \$500, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

I strongly urge my colleagues to support the Medical Malpractice Fairness Act of 1994 and show that comprehensive health care reform includes serious medical malpractice reform.

# PERCEPTION IS REALITY, NOT PERKS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, surveys continue to reveal that Americans are disgusted with our perks and they want us to abide by all the laws they do. A lunch from a lobbyist is not going to influence our vote, but it does influence the way Americans view Congress and their vote. As a democracy, we need to be under the same rules as the people we represent. Therefore, I have introduced H.R. 4444. My bill is simple: do away with our perks and require us to live under the same laws. Over 100 new Members were elected in 1992 to reform Congress but it has not happened. The leadership bill does not go far enough. True reform will bring us under the same rules as other Americans. This not only means the same laws, but the elimination of all remaining perks.

According to others we have more restrictions than any legislature and are the most ethical Congress ever. But we

are not perceived that way. And in politics, perception is reality. To convince voters that we are the ethical, honorable body we are, reform must do away with our perks and privileges. Nothing in my bill will hinder us in our duties. We need to head down the road of reform, I say to my colleagues, and H.R. 4444 is the best legislative vehicle.

#### THE V-22 OSPREY PROGRAM RECOMMENDED AS MOST COST-EFFECTIVE

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WELDON. Mr. Speaker, Congress has supported the V-22 Osprey program because it is the right aircraft for the Marine Corps and it is the right aircraft for our nation. The V-22 has been consistently shown as the most cost-effective replacement for the Marine Corps CH-46 medium-lift aircraft.

By every standard of military readiness and safety, the CH-46 should already be retired. Because of continued delays on the V-22, we are now pushing the margins of acceptable risk with the CH-46 fleet and endangering lives. Consider, for example: For each hour that the CH-46s fly, mechanics must perform seventeen and one-half hours of maintenance; Each time a CH-46 crashes, the service spends \$1 million and upward to salvage it because of shortages in the fleet; They can not fly as fast, climb as high or carry a full crew; During the 5-year delay in the V-22 program, there have been 14 CH-46 crashes killing 26 people.

I have a Navy Times article outlining the problems in the CH-46 fleet, and I will insert it in the RECORD. The message is clear: every day we delay the V-22 replacement we jeopardize the lives of our soldiers in the field. It is time for the Pentagon to move ahead on the V-22.

[From the Navy Times, July 11, 1994]

#### HOW LONG CAN THE CH-46 LAST?

(By Gidget Fuentes)

(Due to time constraint all illustrations have been omitted)

Several words described the CH-46 Sea Knight helicopter: Workhorse. Vietnam-era. Obsolete. Museum piece. Overused. Sentimental. Determined. Aging. Tired. Venerable.

It is a study in contradictions and a metaphor for the Marine Corps: Old and tradition bound, yet tough as nails and ready to fight.

To infantry Marines, the Sea Knight is what gets them where they're supposed to go, picks them up from a hot LZ, hauls their mail and cookies and brings in reinforcements. Still, there are few places groundpounders dislike more than being in the belly of a helicopter that joined the Marine Corps a decade or more ago, before many of them were born.

To her "drivers," as helicopter pilots like to be called, the tandem-rotor Sea Knight is still a worthy aircraft. But they worry that the 46s are getting too old and that the out-

look for a replacement aircraft seems to be perpetually 10 years over the horizon.

But to the wrench-turning knuckle-busters, the mechanics who service these old birds 10 to 12 hours a day, they are creatures of remarkable endurance. Sure, they require 17 or more hours of maintenance for every hour of flight, they say. But as long as they're carefully and meticulously maintained, they can last, seemingly, forever.

That's a good thing. The best estimates for a medium-lift replacement aircraft—most likely the tilt-rotor V-22 Osprey—doesn't have it joining the fleet in large numbers perhaps as late as 2010.

The H-46 was based on the Boeing Vertol 107 in 1961, and went into hastened production starting in 1962. The first operational delivery in 1964 went to HMM-265 from New River, N.C. That squadron, now at Kaneohe Bay, Hawaii, is celebrating its 30th anniversary July 29.

"It's not often an airplane sees 30 years," noted CW02 Joe Boyer, a spokesman at the Marine Corps Base Kaneohe Bay, Hawaii. Since the production line was shut down in 1971, even the newest 46s are, at 23, old in aircraft terms.

Even with upgrades in the airframes, motors, rotors and other equipment on board, however, by most definitions these aircraft should be retired or retiring right now.

Among military aircraft, the only ones that are older are the B-52 long-range bomber, which may remain in the fleet with new wings and avionics, the A-6 Intruder, which is planned to retire by 1999, and the KC-130 refueler turboprop, which entered the Marine Corps inventory in 1961, a year before the Sea Knight.

Pilots and aircrews talk in amazement about the 46's steam gauges and vacuum tubes.

Noted Cpl. Steven Barott, an avionics technician with HMM-365 at New River MCAS, N.C., who was born the year after the last 46 was built: "The 46 is getting older so a lot more things break more often." Adds a cynical pilot, noting that a replacement is not going to come anytime soon: "My 6-year-old has an opportunity to do his first tour in the 46."

#### JEOPARDIZING LIVES?

The H-46's age has many people wondering not who will be its next generation of pilots, but how long these birds will be safe to fly—and whether they'll survive until their likely replacement by the V-22 Osprey tiltrotor aircraft.

"As good, as concentrated as the crews and the maintenance people are \* \* \*, they're trying to keep birds that are 30 years old in the air," says James Tanner, whose son, Navy Lt. Michael Tanner, was killed Jan. 10 in an HH-46D accident 500 miles east of Bermuda. "Why do we have to jeopardize people's lives, day in and day out?"

#### A COSTLY PRIORITY

The answer is plain dollars and cents. The V-22, which has been plagued by developmental problems—including a deadly crash in the Potomac River two years ago—is a very costly program, and it comes at a time when Congress and the Pentagon can't afford very many of those. During the Bush administration, then-Defense Secretary Dick Cheney tried to kill the Osprey Congress refused, and ordered that development be continued. But the squabble added years to the development cycle.

Now the Marine Corps is stuck with its CH-46s for another decade or two. And the question everyone is asking is whether the aircraft can remain viable for that long.

As it is, Marine CH-46Es are already restricted in how much they can carry and how they can fly—so the aircraft are no longer capable of doing all they were designed to do.

And lest Marines think they are the only ones on the short end of this stick, they need only look at their sister service: The Navy, which uses its H-46Ds for vertical replenishment, cargo handling and search-and-rescue missions, has no real planned successor. As of now, their replacement is supposed to be the Marine CH-46E.

"The aircraft is good, but you do outlive the technology at some point," said Lt. Col. Michael J. Bixiones, the H-46 program manager based at Naval Aviation Depot Cherry Point, N.C. The main challenge, he said, "will be to compete for the limited dollars that are out there" in order to keep the aircraft airworthy.

A replacement is long overdue. "We're going to have third-generation 46 pilots," said Lt. Gen. Richard D. Hearney, who is leaving his post as the Corps' deputy chief of staff for aviation to become assistant commandant this month. The 46s will be around so long that it's conceivable the kids piloting them in the next century will have grandfathers who flew the same choppers in the 1960s.

#### THE COST OF BEING FLIGHT-WORTHY

Keeping this aging fleet operational and safe until it can be replaced is the immediate priority for Marine aviation, officials say. But it won't be easy—or cheap.

Mission requirements say the Corps should have 254 CH-46 Sea Knights. But the inventory is actually only 240, and there is no way to get more aircraft. Expected losses of one to two aircraft per year will further aggravate the shortfall.

Just maintaining the current Marine fleet of H-46s through full replacement with the V-22—maybe not until 2015 or 2020 depending on production—will cost \$500 million for budgeted upgrades and \$1.6 billion if the Pentagon agrees to extend its service life with major overhaul. Not all that money is even budgeted yet.

Since the choppers can't be replaced, each time a 46 goes down, the Corps must try to salvage it. As much as \$1 million or more will be spent to make a single downed 46 fly again.

As bad as things are for the Marine Corps, Marine 46 pilots have it easy. They fly the more modern—starting in 1974—CH-46Es, which have more powerful engines than the H-46s flown by the Navy.

The average Sea Knight has logged in 8,500 hours in its life, but continues to fly 400 hours or so a year because of high operational tempos. By the year 2005, it will have flown over 10,000 hours. By 2010, almost all will surpass 10,000 hours, its initial service life, and its maximum life will depend on a costly service life extension program. The 10,000-hour limit was an arbitrary number, however—an unusually high one for military helicopters, aviators say. One thing's for sure, say officials, Vietnam veterans and aircrews: They never expected to see the 46 reach that milestone.

These geriatric aircraft, like aging people, are no longer able to do all they once could. Officials have placed strict limits on what 46 pilots can put their choppers through, fearing failure of the helicopters' rotor heads. For example: The 46s with old rotor heads—those with faulty pitch shafts—may not be flown faster than 110 knots (versus 130 knots it was designed to do), cannot bank at more than a 30-degree angle (versus 45 degrees) and cannot exceed 6,000 feet of altitude (versus 10,000).



Likewise, the 46s can't carry the load they were designed for. No more than eight combat-loaded Marines can be carried at a time (versus the 16 the birds were designed to haul) and no more than 1,700 pounds of cargo can be carried (versus 4,000 pounds).

#### A SAFE RECORD

And yet, despite all those shortcomings, the Marine H-46 fleet has stayed relatively safe over the past 12 months compared with several rashers of crashes over the past eight years. It has a lower mishap rate since 1977 than all but two Marine airframes. Only the F/A-18 Hornet fighter and KC-130 cargo jet have performed more safely. "The safety record has been very good," Hearney said, crediting good maintenance, training and good commanders. Mishaps have occurred, some fatal, however, involving Marine and Navy helicopters. There seems to be no pattern of cause, ranging from pilot error, poor aircrew coordination, engine or transmission failure and cracks in rotor pitch shafts.

Even with its extensive maintenance program, the H-46 requires about 17.5 maintenance hours for every flight hour—more than the nine it originally required in 1962 but significantly less than the heavier CH-53 Huey, which requires 24. Mechanics spend 1.35 hours inspecting and maintaining the restricted rotor heads alone. Cpl. Brent A. Backus, a 24-year-old technician with HMM-264, said the typical preflight check takes nearly three hours and usually he finds some "wear and tear." He added: "You check everything."

The CH-46 "is still a super aircraft. It's safe. But it's time that we move on," said Brig. Gen. Fred McCorkle, commander of Marine Corps Air Bases East at Cherry Point and a Vietnam veteran who's logged more than 5,000 hours in the CH-46. "I won't be sad to see it go."

Not that it'll be going anytime soon, of course. The CH-46, often called "the Frog," succeeded the single-rotor UH-34 helicopter during the Vietnam War and continues to be upgraded and updated today. But while modernization has helped, it's also blamed in part for the reduced amount of weight the choppers can carry. The "Bull Frog" variant—so named because of larger fuel tanks mounted externally on the chopper's stub wings—has greater range than the conventional Frog, but has even less cargo capacity. It can fly 411 miles instead of 236, but carries less cargo and has no "over-the-horizon" capability that enables a rapid, helicopter assault to defended beaches or inland locations from the decks of a helicopter carrier 50 miles at sea.

Safety concerns with the rotor heads, which drive the helicopter's twin rotor blades and which have experienced cracks due to stress and use, resulted in operational restrictions imposed in July 1993 and additional inspections and maintenance requirements on the rotor heads imposed since the late 1980s.

An H-46 with a restricted rotor head must undergo 18 special inspections of the head, assembly and even landing gear wheels. These helicopters must carry less weight, fly slower, fly lower, turn wider and be more closely inspected. Weight limits mean more sorties or aircraft are usually needed for a mission. During Operation Restore Hope in Somalia, a forward refueling point was set up in Baledogle, halfway from the amphibious ship Tripoli to the city of Baidoa, where the CH-46s hauled an infantry company. So far, nearly half of the inventory has the new pitch shafts and are no longer operationally restricted but must still do those special inspections.

Those tactical restrictions have frustrated commanders. "We need something a little bit more state of the art," Lt. Col. Tony Zell, HMM-264 commander, said in a slight understatement. Still, he said, "it is the most versatile aircraft."

#### NEW VITAL PARTS

Starting next year, all Marine and Navy H-46s will get new critical dynamic components—rotor heads, drive systems, transmissions and pitch shafts—under the "dynamic component upgrade" program, or DCU, at a cost of \$662,000 per helicopter.

This program, already funded, is a blessing for all field commanders who've had to grapple with strict limitations on current, inferior rotor heads suffering from wear and stress. The new parts will be stronger and less corrosive with stainless steel to better withstand saltwater and sand, and eliminate the special inspections, Bixiones said.

"It improves the safety of the airplane, although it's not unsafe now," Lt. Col. Ron Johnson, the Marine H-46 requirements officer on the chief of naval operations staff at the Pentagon. "Obviously it's in our best interest to make sure it's fielded as quickly as possible."

"We should have a restriction-free, inspection-free airplane," he added.

Capt. John Dixon, assistant maintenance officer with HMM-261 and a 25-year veteran, noted that the restrictions have denied younger aviators and crews some combat maneuvers. "We've had to compensate with a lot of classroom in the ready room," Dixon said. The squadron will get the unrestricted heads later this summer, prior to deploying.

#### FIXING FOR THE LONG RUN

Keeping the Sea Knight safer and flying will cost plenty, at least a half-billion dollars and likely some \$1.6 billion if a service life extension program is needed to keep it flying safely until the Osprey enters the service in large numbers. These programs follow other replacement programs done in the 1980s.

The money won't buy a new aircraft, Marine officials note. It won't buy more capability. It won't buy an interim replacement. What it does buy, they say, is enough safety to keep the Sea Knight flying another two or three decades.

Officials are beefing up routine maintenance for all H-46s at 10,000 flight hours. Sea Knights go through regularly scheduled depot-level maintenance after every 1,000 hours in the air, and regular aircraft service period adjustment inspections every 12 months. These maintenance periods aren't cheap: Each depot-level checkup costs \$500,000.

Once CH-46s reach 10,000 flight hours, they're put through a more in-depth airframe inspection. The extra tests and repairs cost an additional \$10,000, and so far four 46s have been put through the program. Another three or four more will undergo it soon, said Johnson.

"We have not found anything to date that indicates to us that the airplane can't go past 12,500 hours, but we don't know how far past," Johnson said. A service life assessment, now under way, will try to answer that question, he said.

The \$3 million study will be finished by 1996. Among the tests will be to take a CH-46 airframe and stress it "until it fails," Johnson explained. "Then we'll know exactly how many hours... that airframe can go to."

The service life extension program developed after that study is complete will help

determine the V-22 production schedule, because it will provide the most realistic outlook yet on how long the Corps can wait. "These may include electronic warfare improvements, ground proximity warning systems, better armor, crash-resistant cockpit seats and a weight-reduction program," Johnson said. "We intend to make any safety improvements that are necessary."

#### INSPECTIONS, INSPECTIONS

Meanwhile squadrons are burdened with the intricate task of inspecting the helicopter's crucial parts along with normal inspection cycles for such things as corrosion, fatigue, vibration and cracks in the airframe and in the engines. The task falls on tactical squadron and aviation support squadron Marines expert in maintenance, Hearney calls them "in the trenches."

"These kids will do anything not to let each other down," said Lt. Col. W.G. Duncan, commander of HMM-365 (reinforced), which is now deployed in the Mediterranean on deployment with the 26th Marine Expeditionary Unit. "They will work as long as it's required."

After every 10 flight hours, Marines must conduct a "nondestructive inspection" of the pitch varying housings, which tend to crack and have been linked to several fatal mishaps. These control the pitch, or angle, of each of the six rotor blades.

Often, squadron Marines deployed aboard ship have little room to do required inspections and maintenance. "Ten- and 25-hour NDI inspection cycles, which are major problems ashore, become show stoppers once afloat," Marine Maj. Rich T. McFadden wrote as the logistics officer of HMM-264 after a six-month deployment in 1991. His comments were included in a report in the Marine Corps' "lessons learned" system.

But squadron Marines swear by the aircraft and training. "As long as we maintain it, it's going to last a long time," said Cpl. Brent A. Backus with HMM-264. "I'd never second-guess the Frog. I'd fly it every day."

The workload falls heavily on squadron mechanics, technicians and operators to do what many consider is miracle work to preserve the aircraft in this work environment. "As soon as we get into a sandy zone, it's right where you started from," noted Cpl. James Raymond, an HMM-365 crew chief.

Marines say they are working long hours, sometimes weekends prior to deployment. At the same time, they must keep current with volumes of safety procedures and repairs. Every repair must be researched, since "you're not supposed to memorize everything," said Cpl. Daniel Simpson, an airframes mechanic in 365's metalshop.

Making a repair without checking the manual may seem more expedient, the wrench-turners say, but if it's not done exactly by the book, the lives of the pilots and crew are in danger.

Marines, particularly in understaffed squadrons, feel the heat. GySgt. Jon Eskam, a structures mechanic and quality assurance chief with HMM-365, said it takes a technician about 30 minutes to inspect the rotor pitch shaft, connecting link and housing, which must be done after every 10 flight hours, and a technician often inspects several aircraft daily. Like other helicopters, the Sea Knight requires many eyes checking for cracks and corrosion when it flies in less-than-perfect conditions.

"Gosh, it's always over water and in a dirty, dusty environment," said Eskam, a 14-year veteran. "I've just seen as much wear and tear on these things as I'd like to see."

So bad can it get, in fact, that Col. D.J. Lavoy, Marine Aircraft Group 26 commander

at New River, stood down his group in late March "just to give everybody a five-day break. We were getting tired, and there's a lot of hard work."

#### NO BONE TO PICK

The CH-46 community, like others in Marine aviation, suffers from delays in getting spare parts and parts repaired, Marines say.

Getting parts is another concern with Marines. Cuts to operations and maintenance budgets and delays at depots mean some helicopters are down and inoperable until a new part comes—or one is taken from another aircraft. Sometimes, the aircraft are flown without the missing equipment—as long as it doesn't affect safety.

Aviation officials cringe at the word "cannibalize," noting that parts aren't normally removed from working aircraft. But squadron Marines say it is not unusual to seek the part you need on another chopper that's missing something else. One maintenance chief said doing that takes more time than if a part is ordered and received—but that if the aircraft must get airborne, they'll do whatever it takes.

"There's not a boneyard of 46s sitting somewhere," said Johnson.

"It's a juggling act to run maintenance," Dixon said. Between 10-hour and 100-hour inspections, daily missions and training, keeping aircraft ready is hard when there are parts still on order. "I can certainly remember when they were more plentiful."

The shrinking inventory just from normal attrition may force the Corps to give squadron commanders fewer aircraft. The CH-53D Sea Stallion, a leaner sister to the mighty, triple engine CH-53E Super Stallion, flies medium-lift missions, but its large size makes it an easier battlefield target and more difficult to place on a flatdeck amphib.

So the salvage operations continue as long as the aircraft can be recovered. Gashes and dents are repaired with new skin. A CH-46E that crashed in a forested Hawaii mountain-side last fall, for example, is being repaired at the Naval Aviation Depot at Cherry Point Marine Corps Air Station, N.C., and the squadron expects it'll be back in the air.

"Crash-damaged airplanes are being repaired as quickly as we can get them back to the fleet," said Johnson. Sometimes damaged airplanes are "glued together to make one whole airframe."

It's a process that eventually would have to end for lack of 46s to salvage. But not in the foreseeable future.

Noted Bixiones: "I think the 46 will be around until the last one can't be repaired."

□ 1230

#### PLEASE SUPPORT H.R. 1293

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I talked with a man from the New York Times this morning, and he told me that the Census Bureau has new figures out today on the number of families comprised of a single parent who has never married. These figures show this group now makes up 27 percent of the population, exceeding that of single parents who have previously been married. In 1960, 243,000 were in that single family, never married group, and in 1993, Mr. Speaker, there are 6.3 million in this group.

Now can anyone doubt that our welfare policies have become a real incentive, no matter how well intentioned they were at the beginning when we promised a young woman that we are going to give her \$18,000 a year if she will have two children with no men in the house, that that does not figure in her decision to undertake that lifestyle?

Please cosponsor H.R. 1293 that changes direction in our welfare and provides that we should freeze AFDC, send it back to the States in block grants and give the States maximum flexibility. I ask for my colleagues' help with this bill.

#### INTRODUCTION OF VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1994

(Mr. STUMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, today I am introducing the Veterans' Health Care Eligibility Reform Act of 1994. The purpose of this legislation is to revise and reform the current system of eligibility for health care services provided by the Department of Veterans Affairs.

The fate of the President's Health Security Act is unknown. The administration has hung all hopes of VA health reform on passage of H.R. 3600. My legislation provides a vehicle for VA health care reform to move forward regardless of what happens to national health care. If the Health Security Act fails to be enacted we should still pursue responsible reform of the VA. Veterans have waited long enough for reform. Every week that goes by leads to further cannibalization of the system and erosion of veterans health care services. This legislation was not drafted in conjunction with any particular health care bill. It could become part of an alternative bipartisan consensus effort. We should not hold VA hostage to the Clinton national health care plan.

I urge my colleagues to cosponsor the Veterans' Health Care Eligibility Reform Act of 1994.

#### DEFENDING THE INDEFENSIBLE

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, quote, these mandates get a little hard to defend, end of quote. Those were the words that Democratic Gov. Bruce King of New Mexico talking about employer mandates and health reform. Governor King was explaining why Democrat Governors could not endorse the concept of employer mandates at their meeting in Washington just yesterday. It is the same reason Custer lost at Little Big Horn:

"You can't defend the indefensible."

But that is exactly what the Clinton White House continues to do. They continue to demand that Congress include a job-killing employer mandate in any health care reform.

Call it Clinton's last stand, call it bull headed obstinacy, call it impractical idealism. Just do not call it real health care reform.

Mr. Speaker, the President threatens to lead our health care to ruin as he continues to press for his employer mandate. I urge him to stop defending the indefensible and work with Republicans to achieve commonsense health care reform.

#### THE PEOPLE'S CHOICE IN HEALTH CARE—COMMON SENSE, NOT BIG BUREAUCRACY

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, President Clinton has met the enemy of health care, and it is Pizza Hut. But this kind of cheap-shot demagoguery aimed at an American-owned business we have seen on these television ads is no substitute for serious debate about one-seventh of our national economy.

The Clinton administration has resorted to such tactics because the American people, in poll after poll, have rejected the big bureaucracy, tax-the-small-business-person approach characterized by the Clinton health plan.

Even the Democratic Governors could not bring themselves to endorse a tax mandate on the very people who provide the jobs and serve as the economic engine for growth in most of their States.

Mr. Speaker, it is time to talk common sense on health care. Let us pass a bipartisan plan the people want: one that limits pre-existing condition restrictions, allows portability, allows the self-employed and small business the same tax breaks as big business and reforms our malpractice laws.

Attacking American businesses on TV is not the answer.

#### BOSTON TEA PARTY REDUX

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Nation's Governors have been meeting in Boston this week. They have already let it be known just what they think of the President's big Government, big spender health care plan.

According to the press, the Governors said the Clinton plan "would put 40 percent of Americans in a costly, Government-run entitlement program." Democratic Gov. Lawton Chiles called it a disaster.



This uprising calls to mind another one 220 years ago, when people threatened by a system they saw as oppressive filled Boston Harbor with tea.

Today, President Clinton comes to town wearing a redcoat as he tries to fish out his soggy health care tea.

His system, as the Governors recognize, will push tens of millions of Americans into Government health care waiting rooms, where the emphasis will be more on Government and waiting than either health or care. That's what you get with a Government monopoly.

If the President thinks Americans are eager to receive this treatment, he will be in deeper water than the health care plan he seeks to save.

#### GOVERNORS, TAKE A LOOK AT NEW JERSEY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, with the economy growing strongly, Democrats who passed the President's deficit-cutting budget package have reason to celebrate. The conviction of those who did the right thing is being rewarded.

In my home State of New Jersey, it is also becoming clear who had conviction, and who did the right thing. Former Gov. Jim Florio made the tough decision to raise taxes to close the gap between the poorest and richest schools in New Jersey, as mandated by the State supreme court. The current Governor was swept into office on the politically popular promise to cut those taxes, a decision made possible by our own tough choices, which have led to economic growth across the country.

Now the court has ruled that the State has failed to close the gap. And by how much? Oddly enough, almost precisely the amount by which Governor Whitman has reduced taxes.

When the elections were over and the cheering stopped, we did the right thing, despite the political pressure to back away. I hope that our conviction can serve as a model for her, and for the other Governors who may shortly face this test.

#### CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

#### To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 19, 1994.

□ 1240

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day.

#### HONORING THE U.S. ASTRONAUTS WHO FLEW IN SPACE TO EX- PLORE THE MOON

Mr. HALL of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 261) to honor the United States astronauts who flew in space as a part of the program of the National Aeronautics and Space Administration to reach and explore the Moon.

The Clerk read as follows:

H. CON. RES. 261

Whereas on May 25, 1961, the President of the United States established a goal for the country to land a man on the Moon and return him safely to Earth before the end of the decade;

Whereas in furtherance of that goal, 34 American astronauts flew 27 missions in space;

Whereas in their efforts to achieve that goal, 3 astronauts died in the tragic Apollo 204 fire on the launch pad and 4 others died in T-38 crashes while in training;

Whereas the goal of the President was achieved on July 20, 1969 when the Lunar Module, Eagle, landed on the surface of the Moon carrying a crew of 2 astronauts;

Whereas a total of 24 American astronauts flew to the vicinity of the Moon and 12 of them landed on and explored its surface;

Whereas the successful execution of the program to reach and explore the Moon was one of the greatest achievements in the history of mankind;

Whereas the hardware and astronauts involved in the Lunar program subsequently flew 3 Skylab missions, and 1 international Apollo-Soyuz mission;

Whereas the astronauts who put their lives on the line by flying in space in the execution of that program are true national heroes; and

Whereas these astronauts should receive popular recognition from a grateful Nation for their tremendous achievement: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That henceforth Buzz Aldrin (Gemini 12, Apollo 11), William Alison Anders (Apollo 8), Neil Alden Armstrong (Gemini 8, Apollo 11), Charles Arthur Bassett II (died in T-38 crash), Alan LaVern Bean (Apollo 12, Skylab 3), Frank Borman (Gemini 7, Apollo 8), Vance DeVoe Brand (Apollo-Soyuz), Malcolm Scott Carpenter (Mercury-Atlas 7), Gerald Paul Carr (Skylab 4), Eugene Andrew Cernan (Gemini 9, Apollo 10, Apollo 17), Roger Bruce Chaffee (Apollo 204), Michael Collins (Gemini 10, Apollo 11), Charles Conrad, Jr. (Gemini 5, Gemini 11, Apollo 12, Skylab 2), Leroy Gordon Cooper, Jr. (Mercury-Atlas 9, Gemini 5), Ronnie Walter Cunningham (Apollo 7), Charles Moss Duke, Jr. (Apollo 16), Donn Fulten Eisele (Apollo 7), Ronald Ellwin Evans (Apollo 17), Theodore Cordy Freeman (died in T-38 crash), Owen Kay Garriott (Skylab 3), Edward George Gibson (Skylab 4), John Herschel Glenn, Jr. (Mercury-Atlas 6), Richard Francis Gordon, Jr. (Gemini 11, Apollo 12), Virgil Ivan Grissom (Mercury-Redstone 5, Gemini 3, Apollo 204), Fred Wallace Haise, Jr. (Apollo 13), James Benson Irwin (Apollo 15), Joseph Peter Kerwin (Skylab 2), Jack Robert Lousma (Skylab 3), James Arthur Lovell, Jr. (Gemini 7, Gemini 12, Apollo 8, Apollo 13), Thomas Kenneth Mattingly II (Apollo 16), James Alton McDivitt (Gemini 4, Apollo 9), Edgar Dean Mitchell (Apollo 14), William Reid Pogue (Skylab 4), Stuart Allen Roosa (Apollo 14), Walter Marty Sehirra, Jr. (Mercury-Atlas 8, Gemini 6, Apollo 7), Harrison Hagan Schmitt (Apollo 17), Russell Louis Schweichart (Apollo 9), David Randolph Scott (Gemini 8, Apollo 9, Apollo 15), Elliot McKay See, Jr. (died in T-38 crash), Allan Bartlett Shepard, Jr. (Mercury-Redstone 3, Apollo 14), Donald Kent Slayton (Apollo-Soyuz), Thomas Patten Stafford (Gemini 6, Gemini 9, Apollo 10, Apollo-Soyuz), John Leonard Swigert, Jr. (Apollo 13), Paul Joseph Weitz (Skylab 2), Edward Higgins White II (Gemini 4, Apollo 204), Clifton Curtis Williams, Jr. (died in T-38 crash), Alfred Merrill Worden (Apollo 15), and John Watts Young (Gemini 3, Gemini 10, Apollo 10, Apollo 16) shall carry the honorary title Space Emissary and shall be referred to as "The Honorable".*

The SPEAKER pro tempore. Pursuant to the rule; the gentleman from Texas [Mr. HALL] will be recognized for 20 minutes, and the gentleman from

Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 20, we will celebrate the 25th anniversary of the Apollo Moon landing.

This event marks one of the greatest achievements in all of human history.

In addition, this event represents one of the key victories of the cold war, providing the world with an unparalleled example of what can be achieved by a democratic nation of free people.

In ancient times and in the Middle Ages, great explorers had mountains, cities, countries, or even entire continents named in their honor.

In the former Soviet Union, astronauts were routinely bestowed with the highest honor that could be given by that country—"Hero of the Soviet Union."

But, measured by these standards, the U.S. Government has done little to recognize officially the extraordinary accomplishments and valor of our own astronaut heroes.

I recently discussed with Buzz Aldrin, one of the crew members of that historic Apollo flight 25 years ago, what might be done to correct this oversight.

On the basis of these discussions, I prepared the resolution that we are considering today.

The resolution recognizes these national heroes by name; confers on them an honorary title of "Space Emissary"; and permits them henceforth to be referred to as "The Honorable."

I can appreciate that the action that is proposed in this resolution is unprecedented in our Nation—but so too are the accomplishments of these great American heroes.

I believe that the time is long overdue for the Government of the United States to confer on these individuals a measure of the formal honor and recognition that they clearly deserve.

Accordingly, I ask for suspension of the rules and adoption of House Concurrent Resolution 261.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 261 honors the United States NASA astronauts who explored the Moon.

The question of where were you on July 20, 1969, is answered by virtually anyone old enough to remember. It was the day man first walked on the Moon.

From the beginning of Eagle's powered descent until it landed, the suspense was nonstop. First a signal indicated that the computer was overloaded 5 minutes into the descent, that was quickly corrected.

As Eagle's descent continued, the engines churned up so much dust that the Moon's surface could not be seen from 100 feet above. Thirty feet from the surface Eagle began to drift backward. With mere seconds to adjust, only 30 seconds of fuel was left for landing.

Pope Paul II called on the world to pray for the mission's success.

We all held our breath until we heard, "The Eagle has landed."

This resolution before us honors the Apollo II astronauts and all the others who bravely explored the Moon.

They richly deserve this honor on the 25th anniversary of the first men on the Moon.

I urge the passage of House Concurrent Resolution 261.

Mr. Speaker, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank my friend, the gentleman from Texas [Mr. HALL], for honoring our United States astronauts.

Mr. Speaker, let me put this in perspective a little bit. I was attending a youth conference and Apollo astronaut Wally Schirra was present. A young lady asked Mr. Schirra: "Were you afraid when they launched you on your Apollo space mission?" Mr. Schirra answered the young lady by saying, "Young lady, there I was, strapped in with a million pounds of liquid propellant under my rear end, a million moving parts in that rocket, and every one put there by the lowest bidder. Do you think I was afraid or my anxiety level was a little elevated?"

At a time when we need national heroes in our country, I think the concurrent resolution offered by the gentleman from Texas [Mr. HALL] is not only timely, but very necessary. As a cosponsor of House Concurrent Resolution 261, I fully support it.

Mr. BROWN of California. Mr. Speaker, I rise in support of House Concurrent Resolution 261. I would like to add my voice to those who have argued that we have waited too long to pay proper homage to the bravery and honor of the young Americans who put their lives on the line to participate in the unprecedented program to place a man on the Moon and return him safely to Earth within a decade.

Those of us who were alive during the time of these early space flights will recall the excitement, awe, and pride that they engendered.

With the passage of time, we have come to realize even more fully just how extensive were the risks that were being taken by these brave men. For example, the Redstone, Atlas, and Titan rockets that were used in the Mercury and Gemini programs were very prone to blow up, and all of the early manned spacecraft—including Apollo—were notorious for experiencing technical and in some cases life-threatening problems.

As we look back over all of the Mercury, Gemini, and Apollo flights we find that a significant number almost resulted in the loss of the crew. Clearly, these were very, very brave young men.

But the risk is not the only important part of what these astronauts were doing—they were at the forefront of one of the most adventurous, exciting, and uplifting periods of exploration of the unknown in modern history.

Past societies have all but deified their great explorers. In the Soviet Union, all of the cosmonauts who flew in space were awarded the highest honors that the country could bestow. But here in the United States, our astronaut heroes have received little in the way of formal Government recognition and honor.

When these men were flying in space, they did much to excite and inspire us. My greatest disappointment is that this important period of exploration and discovery came to an end. It is indeed sad that as recently predicted by one of the Apollo astronauts—"By the time of the celebration of the 50th anniversary of the Apollo landing on the Moon, there will be no human alive who has walked on another world".

This is the first great frontier that we as Americans have retreated from. What is all the more tragic, we are retreating in the face of victory, not defeat.

I believe that the time is right for us to formally honor these brave men who put their lives on the line to get us to the Moon 25 years ago. Then, I would like to see us build on the foundation that they laid, and get back on track with our inevitable destiny to become a space-faring nation.

I urge all of my colleagues to support this resolution.

Mr. HALL of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LEWIS of Florida. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. HALL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 261, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DEVELOPMENT COMPANY PROGRAM INCREASES

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4322) to amend the Small Business Act to increase the authorization for the Development Company Program, and for other purposes, as amended.



The Clerk read as follows:

H.R. 4322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. DEVELOPMENT COMPANY LOANS.

Section 20(1)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "\$8,458,000,000" and inserting "\$8,758,000,000; and

(2) by striking "\$1,200,000,000" and inserting "\$1,500,000,000".

# SEC. 2. DISASTER LOAN PERSONNEL.

Section 5(b)(8) of the Small Business Act (15 U.S.C. 634(b)(8)) is amended by striking the semicolon and inserting the following: "Provided, That the Administrator may extend the six-month limitation for an additional six months if the Administrator determines the extension is necessary to continue efficient disaster loan making activities;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes, and the gentleman from Kansas [Mrs. MEYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would do two things: first, it would increase the authorization for the amount of financing which may be guaranteed under the development company financing programs by \$300 million in the current fiscal year; and second, it would extend to 1 year the length of time which a Small Business Administration employee may be assigned at one disaster loanmaking site.

The certified development company or CDC program provides long-term loans to small concerns, with the proceeds being used for plant and equipment. These financings are made on a partnership basis: a private lender, without any SBA guarantee, provides 50 percent of the cost of the project; an SBA guarantee of the CDC debenture, which is sold to private investors, provides 40 percent of the cost of the project; and the small business borrower provides the other 10 percent of the project's cost.

The authorization in current law is limited \$1.2 billion in guarantees of these financings, of which \$1.032 billion has been funded by the 1994 Appropriations Act. This is not the cost of the bill—these are guarantees and under the Credit Reform Act, as is true of all loan and loan guarantee programs, the ultimate cost of the program must be provided in advance. In the case of this program, the cost of providing the required subsidy budget or loss reserve is 0.51 percent or about one-half of 1 percent. Thus the subsidy cost of a \$300 million increase in these guarantees is about \$1.5 million.

As of the end of June 1994, SBA had obligated guarantees in the total amount of \$948 million and anticipates it will reach the appropriated level of

\$1.032 billion before the end of this month.

No new appropriation will be required to increase the program level to the fully authorized amount—there is additional money in another program which is not anticipated to be used. These funds can be shifted to the Development Company Program.

Turning to the other topic, the SBA provides disaster loan assistance to victims of natural disasters such as the flooding in the Southeastern United States and the January 1994, earthquake in Northridge, CA. These SBA loans are processed primarily by temporary employees who are hired and then released at the end of the job, or moved to other disaster locations.

In order to minimize costs, SBA hires local employees to the extent possible. But SBA also has a trained cadre who are sent to each disaster and also must supplement locally hired staff with individuals hired elsewhere. Both the cadre and the nonlocal hires receive reimbursement for their lodging and food. Current law limits this reimbursement to a maximum of 6 months on a single disaster.

Usually this 6-month limitation is adequate, but in a few situations, including the earthquake and Hurricane Hugo, it is not.

In the California situation, for example, loan processing will continue for another 6 months. Thus unless the per diem reimbursement time is extended, some current employees will be moved, including the attendant expenses, to another disaster site, and temporary employees hired and moved to California. Thus it would be advantageous for a budget standpoint to extend the limit to 1 year if SBA deems it necessary.

Mr. Speaker, this bill received unanimous support in committee and deserves the unanimous support of the House.

Before closing, however, I want to thank my ranking minority member, Mrs. MEYERS of Kansas, and the other members on both sides of the aisle whose support and assistance have made prompt consideration of this bill possible.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mrs. MEYERS of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4322. Section 504 Certified Development Company loans provide long-term, fixed-rate loans to expanding small businesses. This "bricks and mortar" loan program allows small businesses to obtain financing for new construction, expansion, renovation, or equipment purchases.

Unlike most Government financing programs, the 504 program has a job creation requirement. Over the life of

the Certified Development Company Program, 341,000 jobs have been created or retained. With a total of 19,546 small businesses assisted, that amounts to approximately 17 new jobs per business expanded through 504 program financing.

The success of the 504 program is evident, not only from the jobs created and businesses expanded, but from the extremely low loss rate of the program—just one-half of 1 percent. Through the Certified Development Company structure, which pairs SBA assistance with private financing to complete each project, small businesses have been able to access scarce long-term loans for capital improvements, benefiting the entire community.

Mr. Speaker, H.R. 4322 makes two simple changes in very important SBA programs. First, it increases the authorization level for the 504 loan program by \$300 million for the current fiscal year. No new appropriations are required, as the SBA plans to reprogram existing funds to meet the demand for 504 program financing.

Second, the bill grants the SBA Administrator the ability to detail a disaster employee to a particular location for up to 1 year. Under current law, a disaster employee can be detailed to one location for just 6 months. After 6 months, that employee must be moved to another disaster. Recent disasters in such areas in California have required extensive work to process loan applications and provide assistance. H.R. 4322 allows the Administrator the discretion to keep disaster employees at the same site for up to 1 year. This is a commonsense change that will save taxpayer dollars, as employees will not have to be rotated arbitrarily every 6 months.

Mr. Speaker, H.R. 4322 makes two necessary changes in SBA programs. The measure was passed unanimously in the Small Business Committee, and I urge my colleagues to support its adoption.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 4322, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 4322, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### MAKING APPLICABLE CERTAIN EXCLUSIONARY AUTHORITY RELATING TO TREATMENT OF REEMPLOYED ANNUITANTS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3246) to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers on rural postmasters, as amended.

The Clerk read as follows:

H.R. 3246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsections (1) and (1)(2) of section 8344, and of subsections (f) and (1)(2) of section 8468, of title 4 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service."

#### SEC. 2. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3246, as amended, is to extend to the U.S. Postal Service the authority under the provisions of title 5, United States Code, to seek from the Office of Personnel Management [OPM] waivers of the annuity offset provisions contained in sections 8344 and 8468 of title 5.

Specifically, section 1 of the bill, as amended, would authorize the U.S. Postal Service to either request that OPM waive the annuity offset provisions of title 5 on a case-by-case basis, or request that OPM delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances.

Under current law, when Federal retirees are reemployed by the Federal Government, their salaries are offset by the amount of their annuity payments. Reemployed annuitants continue to receive their monthly annuity payments. The reemploying agency then pays the retiree the amount of salary in excess of the amount of the annuity, and reimburses the Federal retirement trust fund with the amount of the annuity. If an agency, however, wishes to have an exemption from these rules, it may request a waiver from the Office of Personnel Management [OPM]. Currently, the Postal Service does not have the option to request such a waiver from OPM.

On May 12, 1994, the Subcommittee on Commerce and Banking held a hearing on H.R. 3246. The subcommittee received testimony from Congressman TOM SAWYER, the bills author, as well as OPM, the Postal Service, and organizations representing rural letter carriers and rural postmasters. The testimony indicated that the Postal Service has experienced considerable difficulty hiring substitute letter carriers and postmasters in rural areas. These individuals are needed to fill in for career employees when they are on leave or sick. Retired postal personnel provide a ready pool of trained individuals who can fill these positions on a temporary basis. The Postal Service found that retired personnel were not inclined to take these jobs because with the annuity offset, they would virtually be working for free. Enactment of this legislation will help the Postal Service move the mail in rural areas in a timely and more efficient manner.

Section 2 of the bill, as amended, provides that Federal employees and retirees may make an irrevocable assignment of incidents of ownership in their Federal Employees Group Life Insurance policy. Current law provides Federal judges this option. This provision extends it to all other participants in the life insurance program.

Mr. Speaker, I urge the approval of this legislation, and I reserve the balanced of my time.

□ 1300

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to add my voice in support of passage of H.R. 3246, which was introduced by our chairman of the Census and Postal Personnel Subcommittee, TOM SAWYER and our ranking minority member, JOHN MYERS, and cosponsored by myself and

a number of our colleagues on the Post Office and Civil Service Committee. I commend the gentlewoman from the District of Columbia, Ms. NORTON, for her supporting remarks.

Mr. Speaker, this measure, I believe, will go a long way toward placing the Postal Service back on track with mail delivery performance. When the Postal Service offered its early-out retirement program 2 years ago it did not anticipate losing the large numbers of mail handlers, clerks, and letter carrier's to retirement. In all, some 49,000 Postal Employees took advantage of the early retirement options. As you can imagine that sudden loss of experienced personnel had an impact on the ability of the Postal Service to provide the services we had come to expect. This is particularly true in our rural areas.

H.R. 3246 provides the Postal Service with a method for addressing some of these shortages of experienced personnel. It does this by providing the Postal Service with the option of seeking approval from the Office of Personnel Management for an exemption from the annuity offset provisions to allow the Postal Service to rehire retired Postal employees on a temporary basis once approval has been granted by the Office of Personnel Management, a procedure that is available to other Federal agencies.

The shortage of trained personnel is particularly felt on rural delivery routes where routes can be lengthy and trained personnel, who are familiar with the nuances of a particular route, are not available to take the place of the regular carrier should he or she become sick or take a vacation. It goes without saying that when a carrier who is unfamiliar with a mail route goes out to deliver that route it will take them longer to complete it, which delays delivery times and they will make more delivery mistakes, which aggravate the postal customer and costs the Postal Service to make redeliveries.

Having the ability to bring in an experienced carrier who has delivered that route in the past would provide a source of continuity to both Postal customers and the Postal Service. For that reason, I encourage my colleagues in the House to join in supporting the passage of H.R. 3246.

Mr. Speaker, I also would like to address the provision in this bill which provides for the irrevocable assignment of Federal Employees' Group Life Insurance coverage.

Initially, I would like to recognize the work that our colleague the Gentlewoman from the 8th district of Maryland, [Mrs. MORELLA], has put into this provision. It was part of her bill, H.R. 3297, which was heard by the Subcommittee on Compensation and Employee Benefits on April 20th this year and approved by the Committee on Post Office and Civil Service.



This is a very important provision, Mr. Speaker, because it provides that Federal employees can have the same rights as judges and all citizens. This proviso permits any Federal employee insured under the Federal Employee Group Life Insurance [FEGLI] to irrevocably assign the incidents of ownership in the insurance to another person as a gift. This would then exclude the proceeds of the insurance from the employees taxable estate.

This provision, Mr. Speaker, is a common feature under insurance today and has been upheld by the Internal Revenue Service as an appropriate means for estate planning as long as it is permitted in the terms of the insurance policy and applicable State law. The laws in every State permit the irrevocable assignment of group life insurance ownership. Federal employees had been excluded because the law did not specifically provide for Federal employees to be included.

I, therefore, recognize this provision of H.R. 3246 as an important matter of equity for Federal employees and thank my colleagues for their foresight in the including this provision in the bill before us, which I hope all Members will support.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentleman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to applaud the introduction of this legislation by the gentleman from Ohio [Mr. SAWYER], and the cosponsorship of so many Members of Congress, including the ranking minority member of the Committee on Post Office and Civil Service.

Mr. Speaker, as a cosponsor of this legislation, I appreciate the time which the gentleman from New York [Mr. GILMAN] has yielded to me to say a few words in support of H.R. 3246.

This legislation authorizes the U.S. Postal Service, if and when needed, to request a waiver from the Office of Personnel Management [OPM], to the same extent as other agencies, when a retired postal employee is rehired. This bill will be particularly helpful in rural areas. In reference to current Postal Service laws, when an annuitant is re-employed, that annuitant's current salary is offset by the amount of the annuity received.

Presently, it is very difficult for rural postal employees to take a holiday or a sick day, because trained replacements cannot be found on short notice. Postal retirees are qualified to fill the position but because of the present law choose not to do so. In reality, the Postal annuitant would simply be volunteering his or her time to the Postal Service when becoming a re-employed annuitant. This legislation would permit OPM to consider, on a case-by-case basis, whether the postal employee's salary would be deducted or

request that OPM delegate its authority to the Postmaster General on this issue.

This is a sound provision as it would not cost the taxpayer any more money, and it would probably cost less, than if an untrained employee filled in for an absent rural postal employee. This measure is simply permissive and would give the Postal Service the flexibility it needs to move the mail in rural areas.

Section 2 of this bill addresses the assignment authority of Federal Employee Group Life Insurance. Mr. Speaker, I would like to particularly recognize the gentleman from the District of Columbia [Ms. NORTON], the chair of the Subcommittee on Compensation and Employee Benefits for holding a hearing on my bill H.R. 3297, which included this provision. I would also like to thank the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], who acted on the measure in a most timely fashion and had the foresight to attach the provision to the bill before us. I would also like to thank their excellent staffs and recognize the technical assistance given to me by the Office of Personnel Management.

This section, Mr. Speaker, addresses an issue which has benefited the population of our country, but has eluded the Federal employee because of lack of a specific provision in current law. This measure would permit all Federal employees insured under the Federal Employee Group Life Insurance [FEGLI] Program to irrevocably assign all incidents of ownership in the insurance to another individual as a gift in order to exclude the insurance proceeds from the decedent's taxable estate.

Mr. Speaker, presently, the Internal Revenue Service has upheld the validity of irrevocable assignments of life insurance policy proceeds as an appropriate instrument for estate planning, provided such action is permitted by both the terms of the insurance policy and applicable State law. Laws in each State permit irrevocable assignment of group life insurance ownership. It is a matter of equity that Federal employees should have access to this mechanism, which is a common feature under insurance policies throughout the country.

Mr. Speaker, I urge my colleagues to support H.R. 3246, which, I may add, is a product of true bipartisan cooperation.

Mr. Speaker, again I thank the gentleman from New York [Mr. GILMAN], who is such a leader in these matters.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER], the author of the bill and the chair of the Subcommittee on Census, Statistics and Postal Person-

nel of the Committee on Post Office and Civil Service.

Mr. SAWYER. Mr. Speaker, I rise in strong support of the measure that is before us. This seems to fit the requirement that our former colleague, the gentleman from Arizona, Mr. Udall, used to offer to us when he would suggest that everything that can be said about this bill has been said. It is just that not everybody has had the chance to say it. I intend to take this opportunity to say it today, Mr. Speaker, although I do not intend to take longer than 5 minutes.

Mr. Speaker, I strongly support the H.R. 3246, legislation that I introduced to help the U.S. Postal Service meet temporary personnel needs in rural areas.

At the outset, I want to thank Congressman BILL CLAY, chairman of the Committee on Post Office and Civil Service, for moving this legislation through the committee in a timely manner. I also want to recognize the valuable support of Congresswoman ELEANOR HOLMES NORTON, chairperson of the Subcommittee on Compensation and Employee Benefits. I am enormously grateful for the time she and her staff have taken to review this bill thoroughly, and move it through the subcommittee so quickly. Finally, I particularly want to thank Congressman JOHN MYERS and TOM PETRI, who are original cosponsors of H.R. 3246.

The Postal Service sometimes needs to hire employees on a temporary basis. This is particularly true in rural areas. In some rural communities, the Postal Service often has trouble attracting temporary employees to fill in when the regular postmaster or rural letter carrier is absent from work.

There are far fewer postal employees working in rural areas than in larger metropolitan communities. Therefore, those areas have more trouble hiring trained temporary employees for extended periods of time. When career postal employees in rural areas are sick, on vacation, on detail, or otherwise off from work, there often aren't knowledgeable employees who are familiar with the routes and who understand customer needs to take their place in the short term.

An example of this situation occurs when a postmaster in a rural post office is on annual leave. Because there are far fewer postal employees in rural post offices than in larger facilities, there are no supervisory or management employees to serve as acting postmaster. As a consequence, the Postal Service often will hire an untrained local resident to fill in for the postmaster. I believe that a better alternative would be to hire—on a temporary basis—a retired postal employee who may be living in the community, who does not need training, and who understands postal regulations and procedures.

Another concern is that some temporary employees, such as rural carrier reliefs, in rural areas stay in their positions for only a short period of time. They are likely to accept a temporary position only until they find permanent employment, and then they move on. A high turnover rate among temporary postal employees in rural areas does not promote efficient service.

I introduced H.R. 3246 to help the Postal Service meet temporary personnel needs in rural areas. As originally drafted, the bill exempted retired postal employees from provisions of law that require them to forfeit a portion of their annuity if they go back to work for the Federal Government. The exemption would have only applied to postal retirees who are hired temporarily as rural postmasters or rural letter carriers.

Mr. Speaker, during the committee's consideration of H.R. 3246, concerns were raised about providing the Postal Service with a direct waiver from the dual compensation prohibition contained in title 5, United States Code, and the precedent that approach might set. In an effort to address those concerns, the committee amended the bill to bring the Postal Service under the same provisions of title 5 as all other Federal agencies, with respect to the ability to seek a waiver from the Office of Personnel Management [OPM] from the annuity offset provisions.

H.R. 3246, as amended, would allow the Postal Service, like other Federal agencies, either to ask OPM to waive the annuity offset provisions of title 5 on a case-by-case basis, or to ask OPM to delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances. This approach accomplishes the same goal as the original bill text and is acceptable to all of the parties involved.

The Postal Service's primary goal is to move the mail in a timely, efficient, and courteous manner. Even when a rural postmaster or rural letter carrier is not scheduled to work, the Postal Service must continue to meet the needs of its customers.

Enactment of H.R. 3246 will not require the Postal Service to hire its retirees. It simply will give the agency the flexibility to turn to a pool of trained and experienced individuals when no one else is available to fill a position temporarily in a rural area.

I believe that at a time when the Postal Service is facing rising operational expenses, passage of this legislation would be the fiscally smart thing to do. I urge my colleagues to support passage of H.R. 3246.

□ 1310

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 3246, a bill that helps the Postal Service meet temporary personnel needs in rural areas, and urge my colleagues to approve it.

As our committee report finds, the Postal Service has a need to hire qualified individuals on a temporary basis, particularly in rural areas, when regular postmasters or letter carriers are absent from work.

As a cosponsor of H.R. 3246, I believe the bill is a common sense, carefully crafted solution to a continuing problem.

This is not an assault on the concept of annuity offsets, nor is it the committee's intent that postal retirees take employment from individuals seeking career opportunities with the Postal Service.

When an emergency need arises, the better alternative would be to hire, on a temporary basis, a retired postal employee living in the community, who does not need training and who understands postal regulations and procedures.

Mr. Speaker, this is a good bill, and I urge the House to suspend the rules and pass it.

Ms. SNOWE. Mr. Speaker, I am pleased that the House is moving expeditiously on H.R. 3246, a bill which provides incentives for the U.S. Postal Service to temporarily hire retired Postal Service workers and thereby provide experienced and quality service when career postmasters and rural carriers are ill, on vacation, or otherwise unavailable to work.

Title 5, United States Code, section 8344 currently prohibits a Postal Service annuitant from receiving a full annuity if that retiree is temporarily employed by the U.S. Postal Service. Under current law, that retiree would need to take a reduction in pay to offset any annuity payments received while he or she is reemployed. Thus, the retirees are discouraged from lending their valuable skills and knowledge to the Postal Service.

H.R. 3246 provides an exemption to section 8344 for postal retirees who are hired to fill temporary positions. The bill, which pertains to postmaster reliefs and rural carrier reliefs, limits this temporary service to 90 days in a year, with a 180-day lifetime limit. Thus Postal retirees will not take away opportunities from individuals seeking careers with the Postal Service, but simply offer trained assistance to the Postal Service in a time of need.

Mr. Speaker, this bill will enable the Postal Service to more effectively meet its goal of moving mail in a timely and efficient manner, particularly in rural and remote areas where there are fewer career Postal workers. This bill allows the Postal Service, and ultimately every American, to benefit from the experience of trained Postal employees. I am proud to be a cosponsor of this legislation and I urge my colleagues to support its passage.

Ms. LAMBERT. Mr. Speaker, I rise today in support of H.R. 3246, a bill that will greatly help postal workers in rural areas.

Currently, post offices in rural areas have problems finding experienced substitute workers to fill in for workers who are ill or on vacation. This bill will alleviate this problem by waiving offsets in annuity payments for retirees who temporarily replace postal workers in these instances.

The Postal Service often must hire employees on a short-term basis, but it is difficult for rural areas to hire trained temporary employees for long periods of time. When rural postal employees are sick, on vacation, or off from work for other reasons, it is hard to find experienced employees who are familiar enough with the routes or with particular customer needs to take their places temporarily.

Currently, if postal retirees go back to work for a short time, they are required to give up a large portion of their annuity. But with the enactment of H.R. 3246, the annuity offset can be waived in emergency or unusual circumstances. Therefore, the Postal Service will be able to more easily attract applicants for temporary assignments from a well-trained labor pool that will be familiar with postal procedures and regulations.

Mr. Speaker, it is extremely critical that the Postal Service be able to deliver the mail in a timely and friendly manner. Therefore, I urge my colleagues to support this worthwhile bill that will enable rural post offices to do this job well. Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3246, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

A motion to reconsider was laid on the table.

#### AMENDING DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PRACTICES ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, as amended.

The Clerk read as follows:

H.R. 3499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*



**SECTION 1. LEAVE FOR DODDS TEACHERS.**

Section 6 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904) is amended—

(1) in subsection (a) by inserting "(or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen)" after "ten";

(2) in subsection (d) by striking "of the military department concerned" and inserting "of Defense"; and

(3) by adding at the end the following:

"(h) The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management—

"(1) shall establish for teachers a voluntary leave transfer program similar to the one under subchapter III of chapter 63 of title 5, United States Code; and

"(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5, United States Code.

Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congressman FRANK MCCLOSKEY, chair of the Subcommittee on Civil Service, introduced H.R. 3499, on November 10, 1993. The bill, as amended, provides for the establishment of voluntary leave transfer and leave bank programs for Department of Defense Dependent Schools [DODDS] teachers. These programs already exist for Federal employees generally. They permit Federal employees to transfer and receive annual leave donated by their coworkers when either they or their coworkers are experiencing medical emergencies requiring extended absence from the workplace. However, since by definition, DODDS teacher leave is not considered annual leave, a voluntary leave sharing program may not be established for them without providing new statutory authority.

In addition, H.R. 3499, as amended, also authorizes 3 additional days of leave for teachers employed in supervisory or higher positions because such employees generally work 222 days per school year compared to the 190 days required of regular teachers.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege to speak in support of H.R. 3499, a bill introduced by our colleague from Indiana [Mr. MCCLOSKEY]. This is a humanitarian bill and one which will benefit those who teach in our overseas

schools which affect so many of the children of our military personnel.

This legislation was considered by the Subcommittee on Compensation and Employment Benefits and approved as amended by the Committee on Post Office and Civil Service in June 1994.

H.R. 3499 institutes a voluntary leave transfer program and a voluntary leave bank program for teachers employed by the Department of Defense. It would permit these employees to donate and transfer accumulated annual leave to those Federal employees whose own annual and sick leave has been exhausted because of protracted illness.

Furthermore, Mr. Speaker, this legislation authorizes the Department of Defense to grant three additional days of leave to DOD supervisory teachers as their school year is 222 work days in contrast with 190 days for non-supervisory teachers.

I believe that this provision will increase good morale throughout the overseas teachers community and, thus, will create a positive atmosphere in our Department of Defense school system.

Accordingly, I urge my colleagues to support this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY], the author of this bill and the chair of the Subcommittee on Civil Service.

Mr. MCCLOSKEY. Mr. Speaker, I rise in support of H.R. 3499, a bill to establish a leave transfer program for Department of Defense dependents' school teachers. I want to take this opportunity to thank Chair ELEANOR HOLMES NORTON and her staff for their hard work on this legislation.

This bill also allows DODDS the discretion to establish a leave bank to administer and distribute the leave under the transfer program. In order to ensure that this bill does not allow teachers to transfer sick leave to another teacher to which the director of DODDS objected due to the budgetary impact, the bill specifically states that only the 3 days of any purpose leave may be transferred under the program.

During hearings on H.R. 3975, a similar bill to H.R. 3499, the overseas education association which represents a majority of the DODDS teachers, indicated that there have been numerous cases in the past where teachers wished to donate leave to a colleague but could not do so. Jack Rollins, the president of OEA discussed a case where a teacher had breast cancer and had to go on 2 months leave without pay in order to obtain treatment for her cancer in the United States. This obviously resulted in an extreme economic hardship for the teacher to have no income for 2 months.

This bill would help alleviate such circumstances and is the equitable thing to do. Leave sharing and transfer is a useful tool to help retain employees, improve morale, and would significantly improve the working conditions of DODDS teachers at virtually no cost.

H.R. 3499 has bipartisan support and was unanimously reported from the Committee on Post Office and Civil Service. I urge my colleagues to support H.R. 3499.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 3499, the Overseas Defense Teachers Leave Programs, which was referred to both the Committee on Post Office and Civil Service and the Committee on Education and Labor. The Post Office and Civil Service Committee eliminated a number of provisions during its consideration of the measure, including a provision to amend the Defense Dependents' Education Act of 1978, which falls within the jurisdiction of the Committee on Education and Labor. Therefore, the Committee on Education and Labor took no formal action on H.R. 3499.

The bill before us today would establish a voluntary leave transfer program and leave bank program for the Defense Department teachers working overseas. Teachers who work for the Department of Defense are a part of our civilian work force. Until now, these civilian workers have had no opportunity, like many of their civilian counterparts, to donate accumulated leave for use by another employee who is facing a medical emergency. The bill would rectify this inequity and, in the process, the provision could have the salutary effect, according to the Congressional Budget Office, of reducing direct spending due to smaller Government payments for retirement annuities to teachers who would accrue less leave time should they become donors.

H.R. 3499 would also authorize teachers in supervisory positions with 3 additional days of leave per year, to reflect the greater number of days per year they generally work, when compared with other teachers.

I consider both of these provisions to be provisions to simply provide equity to teachers working overseas. I wholeheartedly support these provisions, which are long overdue. I urge my colleagues to approve H.R. 3499 without delay.

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Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## FEGLI LIVING BENEFITS ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes, as amended.

The Clerk read as follows:

H.R. 512

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "FEGLI Living Benefits Act".

## SEC. 2. OPTION TO RECEIVE "LIVING BENEFITS".

(a) IN GENERAL.—Chapter 87 of title 5 United States Code, is amended by inserting after section 8714c the following:

## "§ 8714d. Option to receive 'living benefits'"

"(a) For the purpose of this section, an individual shall be considered to be 'terminally ill' if such individual has a medical prognosis that such individual's life expectancy is 9 months or less.

"(b) The Office of Personnel Management shall prescribe regulations under which any individual covered by group life insurance under section 8704(a) may, if such individual is terminally ill, elect to receive a lump-sum payment equal to—

"(1) the full amount of insurance under section 8704(a) (or portion thereof designated for this purpose under subsection (d)(4)) which would otherwise be payable under this chapter (on the establishment of a valid claim)—

"(A) computed based on a date determined under regulations of the Office (but not later than 30 days after the date on which the individual's application for benefits under this section is approved or deemed approved under subsection (d)(3)); and

"(B) assuming continued coverage under this chapter at that time;

reduced by

"(2) an amount necessary to assure that there is no increase in the actuarial value of the benefit paid (as determined under regulations of the Office).

"(c)(1) If a lump-sum payment is taken under this section—

"(A) no insurance under the provisions of section 8704 (a) or (b) shall be payable based on the death or any loss of the individual involved, unless the lump-sum payment represents only a portion of the total benefits which could have been taken, in which case benefits under those provisions shall remain in effect, except that the basic insurance amount on which they are based—

"(i) shall be reduced by the percentage which the designated portion comprised relative to the total benefits which could have been taken (rounding the result to the nearest multiple of \$1,000 or, if midway between multiples of \$1,000, to the next higher multiple of \$1,000); and

"(ii) shall not be subject to further adjustments; and

"(B) deductions and withholdings under section 8707, and contributions under section 8708, shall be terminated with respect to such individual (or reduced in a manner consistent with the percentage reduction in the individual's basic insurance amount, if applicable), effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(2) An individual who takes a lump-sum payment under this section (whether full or partial) remains eligible for optional benefits under sections 8714a-8714c (subject to payment of the full cost of those benefits in accordance with applicable provisions of the section or sections involved, to the same extent as if no election under this section had been made).

"(d)(1) The Office's regulations shall include provisions regarding the form and manner in which an application under this section shall be made and the procedures in accordance with which any such application shall be considered.

"(2) An application shall not be considered to be complete unless it includes such information and supporting evidence as the regulations require, including certification by an appropriate medical authority as to the nature of the individual's illness and that the individual is not expected to live more than 9 months because of that illness.

"(3)(A) In order to ascertain the reliability of any medical opinion or finding submitted as part of an application under this section, the covered individual may be required to submit to a medical examination under the direction of the agency or entity considering the application. The individual shall not be liable for the costs associated with any examination required under this subparagraph.

"(B) Any decision by the reviewing agency or entity with respect to an application for benefits under this section (including one relating to an individual's medical prognosis) shall not be subject to administrative review.

"(4)(A) An individual making an election under this section may designate that only a limited portion (expressed as a multiple of \$1,000) of the total amount otherwise allowable under this section be paid pursuant to such election.

"(B) A designation under this paragraph may not be made by an individual described in paragraph (1) or (2) of section 8706(b).

"(5) An election to receive benefits under this section shall be irrevocable, and not more than one such election may be made by any individual.

"(6) The regulations shall include provisions to address the question of how to apply section 8706(b)(3)(B) in the case of an electing individual who has attained 65 years of age."

(b) TABLE OF SECTIONS.—The table of sections for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8714c the following:

"8714d. Option to receive 'living benefits'."

## SEC. 3. EFFECTIVE DATE; OPEN SEASON AND NOTICE.

(a) EFFECTIVE DATE.—The amendments made by section 2 shall take effect 9 months after the date of the enactment of this Act.

(b) OPEN SEASON; NOTICE.—(1) The Office of Personnel Management shall prescribe regulations under which, beginning not later than 9 months after the date of the enactment of this Act, and over a period of not less than 8 weeks—

(A) an employee (as defined by section 8701(a) of title 5, United States Code) who declined or voluntarily terminated coverage under chapter 87 of such title—

(i) may elect to begin, or to resume, group life insurance and group accidental death and dismemberment insurance; and

(ii) may make such other elections under such chapter as the Office may allow; and

(B) such other elections as the Office allows may be made.

(2) The Office shall take such action as may be necessary to ensure that employees

and any other individuals who would be eligible to make an election under this subsection are afforded advance notification to that effect.

## SEC. 4. FUNDING.

Notwithstanding section 8714(a)(1) of title 5, United States Code, the Office of Personnel Management shall retain in the Employees' Life Insurance Fund such portion of premium payments otherwise due as will, no later than September 30, 1995, permanently reduce the contingency reserve established under the third sentence of section 8712 of such title 5 by an amount equal to the amount by which payments from the Employees' Life Insurance Fund during the fiscal year ending September 30, 1995, exceed the payments that would have been paid had the amendments made by this Act not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 512, introduced by Congressman BENJAMIN GILMAN, provides that Federal employees who are diagnosed as terminally ill with a life expectancy of 9 months or less could elect to receive all or a portion of their basic life insurance benefit in advance of their deaths as a "living benefit." In order to be eligible for the living benefit, the enrollee would be required to provide certification from medical authorities that he or she is terminally ill. While the living benefits could be used at the discretion of the enrollee, it is anticipated that these funds would most often be used for providing care and medical treatment during the remaining period of the enrollee's life.

In return for electing the living benefit, the enrollee would sever all rights that any beneficiaries might have had in the proceeds of the policy. However, H.R. 512 only affects the basic life insurance amount and does not negate beneficiary rights in the optional FEGLI benefits. H.R. 512 provides that the living benefit election is irrevocable and that the enrollee is no longer liable for monthly premiums on the basic insurance policy.

The Subcommittee on Compensation and Employee Benefits held a hearing on H.R. 512 on April 20, 1994. Congressman GILMAN, OPM, and the National Association of Retired Federal Employees testified in favor of the legislation. The subcommittee also received written statements for the record which expressed support for the bill from the American Federation of Government Employees, the National Treasury Employees Union, and the National Association of Government Employees.

The bill, as amended, directs OPM to withhold premium payments to the



FEGLI reserve contingency fund in an amount sufficient to offset the increase in direct spending that would occur as a result of the bill. The contingency reserve is funded by payments from the FEGLI trust fund and is held outside the budget at a targeted amount of \$50 million. The withheld amount will permanently reduce the fund and the reduction will take place no later than September 30, 1995. CBO estimates that this provision makes the bill budget neutral. I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 512, the Federal Employees Group Life Insurance Living Benefits Act. At this time I would like to take the opportunity to thank the supporters of this legislation, including the distinguished chair of the Subcommittee on Compensation and Employee Benefits, the gentlewoman from the District of Columbia [Ms. NORTON], the ranking minority member of the subcommittee, the gentlewoman from Maryland [Mrs. MORELLA], and the ranking minority member of the full committee, the gentleman from Indiana [Mr. MYERS]. I also want to thank the distinguished chairman of the House Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY] for promptly scheduling this legislation for floor action following its favorable reporting from the committee.

H.R. 512 is sensible, cost-effective legislation aimed at helping employees and retirees covered under the Federal Employees Group Life Insurance [FEGLI] program cope with the financial burdens associated with a terminal illness. While this body cannot begin to alleviate the emotional toll a terminal illness places on an individual and his or her family, we can undertake efforts to ease the financial burdens.

H.R. 512 allows a FEGLI enrollee the option of receiving an actuarially reduced accelerated insurance benefit if diagnosed with a terminal illness with a life expectancy of 9 months or less. This accelerated benefit would represent the insured's basic life insurance amount less an actuarial reduction to compensate for any lost interest to the life insurance fund. An election of this accelerated benefit negates all rights the insured or any beneficiaries might have in the basic insurance amount. However, the additional options provided under FEGLI are not subject to election and remain intact for any beneficiaries' interest.

I am gratified to note that H.R. 512 enjoys broad bipartisan support. In a hearing conducted by the subcommittee chair, Ms. NORTON, Federal employee groups, retiree groups and the administration all voiced support for the legislation.

I want to particularly acknowledge the efforts on the part of the subcommittee chair Ms. NORTON in crafting the financing mechanism for the legislation. This provision directs the Office of Personnel Management to withhold premium payments to the insurance reserve contingency fund in an amount sufficient to offset any direct spending incurred during the first year of the program as a result of the accelerated payments elected by enrollees. This amendment was the product of a joint effort on the part of staff and the Office of Personnel Management. I also want to thank OPM for its support of the legislation and for providing technical assistance in helping craft this provision which meets fiscal constraints while easing administrative burdens. The congressional Budget Office estimates enactment of H.R. 512, as amended, will prove budget neutral over a 5 year period.

Mr. Speaker, I am pleased to bring this measure before the full House today. In this day and age of strict budget scrutiny, I am pleased to sponsor a measure with humanitarian intent and a cost-conscious price tag. Facing a terminal illness is morally and emotionally difficult in itself. However, the depletion of one's financial resources compounds the already serious ordeal facing the patient and his or her family. H.R. 512 will help ease the financial burdens placed on the insured while providing a needed source of income in order to allow the insured to live any remaining months of life in dignity and comfort.

I hope our colleagues in the other body share our concerns for providing a humanitarian, yet cost effective benefit and will quickly approve this measure on a timely basis. Accordingly, Mr. Speaker, I urge all my colleagues to join me today in support of H.R. 512.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 512, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R.

3246, H.R. 3499, and H.R. 512, the three bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

#### HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8) to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1989, as amended.

The Clerk read as follows:

H.R. 8

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**  
(a) **SHORT TITLE.**—This Act may be cited as the "Healthy Meals for Healthy Americans Act of 1994".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of the Congress.

#### TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

Sec. 101. Direct Federal expenditures.

Sec. 102. Technical assistance to ensure compliance with nutritional requirements under the school lunch program, the summer food service program for children, and the child and adult care food program.

Sec. 103. Nutritional and other program requirements.

Sec. 104. Special assistance for schools electing to serve all children free lunches or breakfasts.

Sec. 105. Establishment of universal school lunch and breakfast pilot program.

Sec. 106. Miscellaneous provisions and definitions.

Sec. 107. Summer food service program for children.

Sec. 108. Commodity distribution program.

Sec. 109. Child and adult care food program.

Sec. 110. Homeless children nutrition program.

Sec. 111. Pilot projects.

Sec. 112. Reduction of paperwork.

Sec. 113. Extension of Food Service Management Institute.

Sec. 114. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.

#### TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. School breakfast program.

Sec. 202. State administrative expenses.

Sec. 203. Special supplemental nutrition program.

Sec. 204. Nutrition education and training.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Consolidation of school lunch program and school breakfast program into comprehensive meal program.

Sec. 302. Study and report relating to use of private food establishments and caterers under school lunch program and school breakfast program.

Sec. 303. Report relating to unified accountability system under National School Lunch Act.

Sec. 304. Amendment to Commodity Distribution Reform Act and WIC Amendments of 1987.

## SEC. 2. FINDINGS.

The Congress finds that—

(1) undernutrition along with environmental factors associated with poverty can permanently retard physical growth, brain development, and cognitive functioning of children;

(2) the longer a child's nutritional, emotional, and educational needs go unmet, the greater the likelihood of cognitive impairment;

(3) low-income children who attend school hungry score significantly lower on standardized tests than non-hungry low-income children; and

(4) supplemental nutrition programs under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) can help to offset threats posed to a child's capacity to learn and perform in school which results from inadequate nutrient intake.

## SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) funds should be made available for child nutrition programs to remove barriers to the participation of needy children in the school lunch program, school breakfast program, summer food service program for children, and the child and adult care food program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) the Secretary of Agriculture should take actions to further strengthen the efficiency of child nutrition programs by streamlining administrative requirements to reduce the administrative burden on participating schools and other meal providers; and

(3) as a part of efforts to continue to serve nutritious meals to youths in the United States and to educate the general public regarding health and nutrition issues, the Secretary of Agriculture should take actions to coordinate the nutrition education efforts of all nutrition programs.

## TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

### SEC. 101. DIRECT FEDERAL EXPENDITURES.

(a) PURCHASE OF FRESH FRUITS AND VEGETABLES.—Section 6(a) of the National School Lunch Act (42 U.S.C. 1755(a)) is amended—

(1) in the second sentence, by striking "Any school" and inserting "Except as provided in the next two sentences, any school"; and

(2) by inserting after the second sentence the following new sentences: "Any school may refuse some or all of the fresh fruits and vegetables offered to such school in any school year and may receive in lieu thereof any other commodities for such school year if (1) such school purchases fresh fruits and vegetables for such school year which are at least equal in value to the fresh fruits and vegetables refused by such school; and (2) the fresh fruits and vegetables purchased under paragraph (1) are in addition to any purchase of fresh fruits and vegetables that would otherwise have been made by such school for such school year. The value of any fresh fruits and vegetables refused by a school under the preceding sentence for a school year shall not be included in the calculation to determine the 20 percent of the total value of agricultural commodities and other foods tendered to such school in such school

year under the second sentence of this subsection."

(b) REQUIREMENT OF MINIMUM PERCENTAGE OF COMMODITY ASSISTANCE.—Section 6 of such Act (42 U.S.C. 1755) is amended by adding at the end the following new subsection: "(g)(1) Subject to paragraph (2), in each school year the Secretary shall ensure that not less than 12 percent of the assistance provided under section 4, this section, and section 11 of this Act shall be in the form of commodities provided under this section."

"(2) If amounts available to carry out the requirements of the sections described in paragraph (1) are insufficient to meet the requirement contained in such paragraph for a school year, the Secretary shall, to the extent necessary, use the authority provided under section 14(a) of this Act to meet such requirement for such school year."

### SEC. 102. TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS UNDER THE SCHOOL LUNCH PROGRAM, THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN, AND THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by striking "(1) Lunches served by schools" and inserting "(1)(A) Lunches served by schools"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance to those schools participating in the school lunch program under this Act to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements."

(b) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(f) of such Act (42 U.S.C. 1761(f)) is amended—

(1) by adding after the first sentence the following new sentences: "The Secretary shall provide technical assistance to service institutions and private nonprofit organizations participating in the program to assist such institutions and organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to this subparagraph. The Secretary shall provide additional technical assistance to those service institutions and private nonprofit organizations that are having difficulty maintaining compliance with such requirements."; and

(2) in the fourth sentence (as amended by paragraph (1)), by striking "Such meals" and inserting "Meals described in the first sentence".

(c) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is amended—

(1) by striking "(1) Meals served by institutions" and inserting "(1)(A) Meals served by institutions"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance to those institutions participating in the program under this section to assist such institutions and family or group day care home sponsoring organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those institutions and family or group day care home sponsoring organizations that are hav-

ing difficulty maintaining compliance with such requirements."

### SEC. 103. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) MINIMUM NUTRITIONAL REQUIREMENTS BASED ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended by section 102(a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting "except that—

"(i) such minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) such minimum nutritional requirements shall, at a minimum, be based on the weekly average of the nutrient content of school lunches."

(b) NUTRITIONAL REQUIREMENTS RELATING TO PROVISION OF MILK.—Section 9(a)(2) of such Act (42 U.S.C. 1758(a)(2)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act—

"(A) shall offer students fluid milk; and

"(B) shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school."

(c) INCREASED FLEXIBILITY RELATING TO USE OF INFORMATION SUBMITTED TO DETERMINE ELIGIBILITY UNDER PROGRAMS UNDER NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966.—Section 9(b)(5) of such Act (42 U.S.C. 1758(b)(5)) is amended by adding at the end the following new sentences:

"Except as provided in the next sentence, a local agency responsible for administering programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall use information submitted for the purpose of receiving benefits under such programs only for the purpose of determining eligibility for such benefits. Such local agency may use such eligibility determination to demonstrate the eligibility for benefits under other Federal, State, or local means-tested nutrition programs with comparable eligibility standards."

(d) AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.—

(1) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

(A) in section 9(b)(6)(A) (42 U.S.C. 1758(b)(6)(A))—

(i) in the matter preceding clause (i), by striking "a member of";

(ii) in clause (i)—

(I) by inserting "a member of" after "(i)"; and

(II) by striking "or" at the end of the clause;

(iii) in clause (ii)—

(I) by inserting "a member of" after "(ii)"; and

(II) by striking the period at the end of the clause and inserting "; or"; and

(iv) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A)



of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).";

(B) in section 9(b)(6)(B) (42 U.S.C. 1758(b)(6)(B)), by striking "food stamps or aid to families with dependent children" and inserting "food stamps, aid to families with dependent children, or enrollment or participation in the Head Start program on the basis described in subparagraph (A)(iii)"; and

(C) in section 17(c) (42 U.S.C. 1766(c)), by adding at the end the following new paragraph:

"(5) A child shall be considered automatically eligible for benefits under this section without further application or eligibility determination, if the child is enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).";

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(e) **DOCUMENTATION OF PRODUCTION PLANS.**—Section 9 of such Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall clarify that the primary need for documentation of production plans is to serve as a basis for ensuring that the meals under the school lunch program meet the nutrient needs of the children to be served under such program. The State shall determine whether existing records are adequate to ensure that the objective of the preceding sentence is met.

"(2) The Secretary shall clarify the need for internal controls in developing a claim for reimbursement under the school lunch program."

(f) **SEAFOOD PRODUCTION REQUIREMENTS.**—Section 9 of such Act (42 U.S.C. 1758) (as amended by subsection (e)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall purchase fish and fish products for distribution under section 14 only if such fish and fish products are—

"(A) produced in compliance with the continuous official establishment and product inspection of the National Marine Fisheries Service; or

"(B) produced in compliance with the hazard analysis critical control point requirements promulgated by the Secretary of Health and Human Services, beginning on the date of the implementation of such requirements.

"(2) Beginning on and after the date of the implementation of the requirements described in paragraph (1)(B), the Secretary shall ensure that fish and fish products purchased by schools participating in the school lunch program are produced in compliance with such requirements."

#### **SEC. 104. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.**

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by striking "(a)(1) Except as provided" and inserting "(a)(1)(A) Except as provided";

(2) in the second sentence, by striking "In the case of" and inserting—

"(B) In the case of";

(3) in the third sentence—

(A) by striking "In the case of" and inserting—

"(C)(i) Except as provided in clause (ii), in the case of"; and

(B) by striking "(A)" and inserting "(I)" and by striking "(B)" and inserting "(II)";

(4) by adding at the end the following new clause:

"(II)(I)(aa) In the case of any school that, on the date of the enactment of this clause, is serving all children in that school free lunches under the school lunch program in accordance with clause (I), special assistance payments shall be paid to the State educational agency with respect to such school for free lunches served to all children in such school during a period of five consecutive years in accordance with such clause.

"(bb) Any period of time in the current 3-year period during which the school served free lunches to all children in such school in accordance with clause (I) shall count toward the 5-year period described in division (aa).

"(cc) The State may grant an extension to such schools at the end of such 3-year period, only if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable. The State may further use such data in subsequent 5-year periods to ensure that the income level of the population of the school has remained stable.

"(II) A school described in subclause (I) may reapply to the State at the end of a 5-year period described in such subclause for the purpose of continuing to receive special assistance payments in accordance with such subclause for additional 5-year periods."; and

(5) by further adding at the end the following new subparagraph:

"(D) In the case of any school that (1) elects to serve all children in that school free lunches under the school lunch program during any period of 4 successive years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in that school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive years and (ii) pays, from sources other than Federal funds, for the costs of serving such lunches or breakfasts, as the case may be, which are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during that period, total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to such school at a level equal to the total Federal cash reimbursements and total commodity assistance received by the school in the previous year, adjusted annually for changes in inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the purposes of the school lunch or school breakfast programs. The State may grant a renewal of the authority under the preceding sentence to such schools at the end of such 4-year period, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the year upon which the total Federal reimbursement is based."

#### **SEC. 105. ESTABLISHMENT OF UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.**

(a) **IN GENERAL.**—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 11 the following new section:

#### **"SEC. 11A. UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.**

"(a) **IN GENERAL.**—

"(1) **ESTABLISHMENT.**—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a universal school lunch and breakfast pilot program (in this section referred to as the 'pilot program').

"(2) **DESCRIPTION.**—The pilot program shall consist of school lunch and breakfast service offered without cost to all students in attendance at participating schools that wish to participate in a manner consistent with the requirements otherwise applicable to the school lunch program under this Act and to the school breakfast program under section 4 of the Child Nutrition Act of 1966.

"(3) **ELIGIBILITY.**—A school shall be eligible to participate in the pilot program if the school meets the following requirements:

"(A) At least 30 percent of all students participating in the school lunch program at the school are students who qualify for free or reduced price lunches.

"(B) At least 30 percent of all students participating in the school breakfast program at the school are students who qualify for free or reduced price breakfasts.

"(b) **APPLICATION.**—

"(1) **IN GENERAL.**—A school may participate in the pilot program only if such school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(2) **CONTENTS.**—Such application shall contain a plan describing—

"(A) the additional amount over the most recent prior year reimbursement amount received under the school lunch program and the school breakfast program (adjusted for inflation and enrollment) that the school would need from the Federal government to provide free lunches and breakfasts under the pilot program; and

"(B) the funding, if any, the school will receive from non-Federal sources to provide free lunches and breakfasts under the pilot program.

"(c) **UNIVERSAL PAYMENT RATE.**—

"(1) **IN GENERAL.**—Subject to paragraphs (3) and (4), in lieu of receiving the national average payment per lunch determined under section 4 and section 11, and the national average payment per breakfast determined under section 4 of the Child Nutrition Act of 1966, each school participating in the universal program shall receive the universal payment rates determined under paragraph (2) for each lunch and breakfast served under the program.

"(2) **ESTABLISHMENT.**—Subject to paragraph (3), the Secretary shall establish the universal payment rates for purposes of this section. Such rates shall be equal to the national average cost of producing a school lunch, and the national average cost of producing a school breakfast, respectively, as determined by the Secretary. In making the determination required by the preceding sentence, the Secretary shall establish a maximum amount that can be charged to a participating school food service authority for indirect expenses.

"(3) **COMMODITIES.**—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive commodities in an amount equal to the amount the school received in the prior year under the school lunch program under this Act and under the school breakfast program under section 4 of the Child Nutrition Act of 1966, adjusted for inflation and fluctuations in enrollment.

"(B) Commodities required for the pilot program in excess of the amount of commodities received by the school in the prior year

under the school lunch program and the school breakfast program may be funded from amounts appropriated to carry out this section.

"(4) ADDITIONAL REQUIREMENTS.—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive a total Federal reimbursement under the school lunch program and school breakfast program in an amount equal to the Federal reimbursement rate for the school in the prior year under each such program (adjusted for inflation and fluctuations in enrollment).

"(B) Funds required for the pilot program in excess of the level of reimbursement received by the school in the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts appropriated to carry out this section. If funds required in addition to funds under subparagraph (A) are not available from non-Federal sources and no appropriations are made for the pilot program, schools may not participate in the program.

"(d) COMPETITIVE FOODS POLICY.—A school participating in the pilot program may sell competitive foods under regulations issued by the Secretary.

"(e) PROHIBITION OF WAIVER TO PROVIDE LUNCH AND BREAKFAST SERVICE WITHOUT COST.—Notwithstanding any other provision of law, the Secretary may not waive the requirement that the school will provide lunch and breakfast service without cost to all students at the school under the pilot program.

"(f) REPORTS.—

"(1) REPORTS TO THE SECRETARY.—The Secretary shall require each school participating in the pilot program to submit to the Secretary a report containing the following information:

"(A) A comparison of the participation rate of all students at the school in the pilot program to the participation of students under the school lunch program and the school breakfast program.

"(B) A comparison of the quality of meals served under the pilot program to the quality of meals served under the school lunch program and the school breakfast program.

"(C) An evaluation of the pilot program by students, parents, and administrators.

"(D) The participation rate in the pilot program of students who otherwise would be eligible for free and reduced price lunches and breakfasts under the school lunch program or the school breakfast program.

"(E) A comparison of the amount of administrative costs under the program with the amount of administrative costs under the school lunch and school breakfast programs.

"(F) The reduction in paperwork under the pilot program from the amount of paperwork under the school lunch and school breakfast programs at the school.

"(2) REPORTS TO THE CONGRESS.—

"(A) INTERIM REPORT.—Not later than September 30, 1997, the Secretary shall submit to the Congress an interim report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) an interim evaluation of the program by the Secretary.

"(B) FINAL REPORT.—Not later than September 30, 1998, the Secretary shall submit to the Congress an final report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) a final evaluation of the program by the Secretary.

"(g) SELECTION REQUIREMENT.—To the extent practicable, the Secretary shall select schools to participate in the pilot program in a manner which will provide for an equitable distribution among the following types of schools:

"(1) Urban and rural schools.

"(2) Elementary, middle, and high schools.

"(3) Low-, middle-, and high-income schools.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000 for each of the fiscal years 1995 through 1998."

(b) EFFECTIVE DATE.—The Secretary of Agriculture shall issue regulations to carry out section 11A of the National School Lunch Act (as added by subsection (a) of this section) that provide for the implementation of such section not later than July 1, 1995.

#### SEC. 106. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) TECHNICAL AMENDMENT TO DEFINITION OF SCHOOL.—

(1) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(A) in the first sentence—

(i) in clause (A), by inserting "and" at the end of such clause;

(ii) in clause (B), by striking ", and" and inserting a period; and

(iii) by striking clause (C); and

(B) in the second sentence, by striking "of clauses (A) and (B)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(b) REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT UPON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.—Section 12 of such Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, family day care homes, institutions, and service institutions only if—

"(A) such claims have been submitted to such State agencies not later than 60 days after the last day of the month for which the reimbursement is claimed; and

"(B) the final program operations report for such month is submitted to the Secretary not later than 90 days after the last day of such month.

"(2) The Secretary may waive the requirements contained in paragraph (1) at the discretion of the Secretary."

(c) REQUIREMENT OF NEGOTIATED RULE-MAKING PROCESS IN ISSUING REGULATIONS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2)(A) Prior to publishing proposed regulations in the Federal Register to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (except the special supplemental nutrition program under section 17 of such Act), the Secretary shall obtain the advice and recommendations of rep-

resentatives of Federal, State, and local school administrators, school food service administrators, other school food service personnel, parents, teachers, industry representatives, public interest anti-hunger organizations, doctors specializing in pediatric nutrition, and nutritionists involved with the implementation and operation of programs under this Act and the Child Nutrition Act of 1966.

"(B) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account such information in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(C) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(i) establish a negotiated rulemaking process on issues, including—

"(I) nutrition requirements and their implementation; and

"(II) program compliance and accountability requirements;

"(ii) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions (to the extent possible, the Secretary shall select individuals reflecting the diversity in the program, including representatives of both large and small programs, as well as individuals serving urban and rural areas); and

"(iii) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under clause (ii) not less than 45 days prior to the first meeting under such process.

"(D) Such process—

"(i) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 240 days after the date of the enactment of the Healthy Meals for Healthy Americans Act of 1994; and

"(ii) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(E) In an emergency situation in which regulations to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations."

(d) AUTHORITY OF SECRETARY TO WAIVE STATUTORY AND REGULATORY REQUIREMENTS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsections (b) and (c)) is further amended by adding at the end the following new subsection:

"(l)(1)(A) The Secretary may waive any requirement under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under such Acts, for a State or eligible service provider that requests a waiver if—

"(i) the Secretary determines that the waiver of such requirement would facilitate the ability of the State or eligible service provider to carry out the purpose of the program;

"(ii) a State or eligible service provider has provided notice and information to the public regarding the proposed waiver; and



"(iii) the State or eligible service provider demonstrates to the satisfaction of the Secretary that such waiver will not increase the overall cost of the program to the Federal government, and, if such waiver does increase such overall cost to the Federal government, such cost will be paid from non-Federal funds.

"(B) Such notice and information shall be provided in the same manner in which such State or eligible service provider customarily provides similar notices and information to the public.

"(2)(A) To request a waiver, a State or eligible service provider shall submit an application to the Secretary that—

"(i) identifies the statutory or regulatory requirements that are requested to be waived;

"(ii) in the case of a State requesting a waiver, describes actions, if any, that the State has undertaken to remove State statutory or regulatory barriers;

"(iii) describes the goal of the waiver to improve services under the program and the expected outcomes if the waiver is granted;

"(iv) includes a description of the impediments to the efficient operation and administration of the program;

"(v) describes the management goals to be achieved, such as fewer hours devoted to or fewer number of personnel involved in the administration of the program;

"(vi) provides a timetable for implementing the waiver; and

"(vii) describes the process the State or eligible service provider will use to monitor the progress in implementing the waiver, including the process for monitoring the cost implications of the waiver to the Federal government.

"(B) An application described in subparagraph (A) shall be developed by the State or eligible service provider and shall be submitted to the Secretary by the State.

"(3)(A) The Secretary shall act promptly on a waiver request contained in an application submitted under paragraph (2) and shall either grant or deny such request. The Secretary shall state in writing the reasons for granting or denying such request.

"(B) If the Secretary grants a waiver request, the Secretary shall state in writing the expected outcome of granting such a waiver.

"(C) The result of the decision of the Secretary shall be disseminated by the State or eligible service provider to interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

"(D)(i) Except as provided in clause (ii), a waiver granted by the Secretary shall be for a period not to exceed three years.

"(ii) The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or eligible service provider to carry out the purposes of the program.

"(4) The Secretary may not grant a waiver under paragraph (3) of any requirement relating to—

"(A) the nutritional content of meals served;

"(B) Federal reimbursement rates;

"(C) the provision of free and reduced price meals;

"(D) offer versus serve provisions;

"(E) limits on the price charged for a reduced price meal;

"(F) maintenance of effort;

"(G) equitable participation of children in private schools;

"(H) distribution of funds to State and local school food service authorities;

"(I) prohibiting the disclosure of information relating to students receiving free or reduced price meals;

"(J) prohibiting the operation of a profit producing program;

"(K) the sale of competitive foods;

"(L) the commodity distribution program under section 14 of this Act; and

"(M) enforcement of any constitutional or statutory right of an individual, including any right under—

"(i) title VI of the Civil Rights Act of 1964;

"(ii) Section 504 of the Rehabilitation Act of 1973;

"(iii) title IX of the Education Amendments of 1972;

"(iv) the Age Discrimination Act of 1975; and

"(v) the Americans with Disabilities Act of 1990.

"(5) The Secretary shall periodically review the performance of any State or eligible service provider for which the Secretary has granted a waiver and shall terminate the waiver if the performance of the State or service provider has been inadequate to justify a continuation of the waiver. The Secretary shall terminate the waiver if, after periodic review, the Secretary determines that the waiver has resulted in increased Federal spending and such increased Federal spending has not been paid for in accordance with paragraph (1)(A)(iii).

"(6)(A)(i) An eligible service provider that receives a waiver under this section shall annually submit to the State a report that—

"(I) describes the use of such waiver by the eligible service provider; and

"(II) evaluates how the waiver contributed to improved services to children served by the program for which the waiver was requested.

"(i) The State shall annually submit to the Secretary a report that summarizes all reports received by the State from eligible service providers.

"(B) The Secretary shall annually submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report—

"(i) summarizing the use of waivers by the State and eligible service providers;

"(ii) describing whether such waivers resulted in improved services to children;

"(iii) describing the impact of such waivers on providing nutritional meals to participants; and

"(iv) describing how such waivers reduced the amount of paperwork necessary to administer the program.

"(7) For purposes of this subsection, the term 'eligible service provider' means—

"(A) a local school food service authority;

"(B) a service institution or private nonprofit organization described under section 13 of this Act; or

"(C) a family or group day care home sponsoring organization described under section 17 of this Act."

#### SEC. 107. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PRIORITY REQUIREMENTS FOR DETERMINING PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following new subparagraphs:

"(A) Local schools.

"(B) All other service institutions and private nonprofit organizations eligible under paragraph (7) that have demonstrated successful program performance in a prior year.

"(C) Other service institutions and private nonprofit organizations eligible under paragraph (7)."

(b) ELIMINATION OF 1-YEAR WAITING PERIOD WITH RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT ORGANIZATIONS IN CERTAIN AREAS UNDER THE PROGRAM.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C) of such section.

(c) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) in paragraph (3) (as redesignated), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(d) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

#### SEC. 108. COMMODITY DISTRIBUTION PROGRAM.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) in subsection (a), by striking "1994" and inserting "1998"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall maintain and continue to improve the overall nutritional quality of entitlement commodities provided to schools to assist the schools in improving the nutritional content of meals.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of entitlement commodities provided to the schools; or

"(B) otherwise provide nutritional content information regarding the commodities provided to the schools."

#### SEC. 109. CHILD AND ADULT CARE FOOD PROGRAM.

(a) AUTOMATIC ELIGIBILITY OF CERTAIN EVEN START PARTICIPANTS.—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) (as amended by section 103(d)(1)(C)) is further amended by adding at the end the following new paragraph:

"(6)(A) A child who has not yet entered kindergarten shall be considered automatically eligible for benefits under this section without further application or eligibility determination if the child is enrolled as a participant in the Even Start program under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.).

"(B) Subparagraph (A) shall apply only with respect to the provision of benefits under this section for fiscal years 1996 through 1998."

(b) REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.—Section 17(d)(2)(A) of such Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(c) USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by striking "(C) Reimbursement for administrative expenses" and inserting "(C)(i) Reimbursement for administrative expenses"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by family or group day care

home sponsoring organizations to conduct outreach and recruitment to unlicensed family or group day care homes so that such day care homes may become licensed."

(d) INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage family or group day care sponsoring organizations to provide information and training concerning child health and development to family or group day care homes participating in the program under such organizations."

(e) EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(2) in paragraph (5), by striking "1994" and inserting "1998".

#### SEC. 110. HOMELESS CHILDREN NUTRITION PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 17A the following new section:

#### "SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects under this section.

"(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects under this section. Such requirements shall include the following:

"(A) Each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children at each such site.

"(B) Each site operated by each such organization shall meet applicable State and local health, safety, and sanitation standards.

"(c) PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—A project conducted under this subsection shall—

"(A) use the same meal patterns and receive reimbursement payments for meals and supplements at the same rates provided to child care centers participating in the child care food program under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project.

"(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without application.

"(d) NOTICE.—The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(e) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Healthy Meals for Healthy Children Act of 1994, the Secretary shall submit to the appropriate committees of the Congress a report that includes—

"(1) an explanation of the actions the Secretary has taken to carry out subsection (d);

"(2) an estimate, if practicable, of the number of children living in homeless shelters who are not served by projects conducted under this section; and

"(3) a detailed plan for expanding the projects so that more eligible children may participate in such projects.

"(f) PLAN TO ALLOW PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM.—Not later than September 30, 1996, the Secretary shall submit to the appropriate committees of the Congress a plan describing how emergency shelters and homeless children who have not attained the age of 6 and who are served by such shelters under the program might participate in the child and adult care food program authorized under section 17 by September 30, 1998.

"(g) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term 'appropriate committees of the Congress' means the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) EMERGENCY SHELTER.—The term 'emergency shelter' has the meaning given such term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act.

"(h) FUNDING.—

"(1) IN GENERAL.—In addition to any amounts made available under section 7(a)(5)(B)(1)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(1)(I)), the Secretary shall, except as provided in paragraph (2), expend to carry out this section from amounts appropriated for purposes of carrying out this Act \$3,000,000 for fiscal year 1995 and each succeeding fiscal year.

"(2) EXCEPTION.—The Secretary may expend less than the amount required under paragraph (1) if there is an insufficient number of suitable applicants."

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL SCHOOL LUNCH ACT.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) CHILD NUTRITION ACT OF 1966.—Section 7(a)(5)(B)(1)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(1)(I)) is amended—

(A) by striking "projects under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c))" and inserting "projects under section 17B of the National School Lunch Act"; and

(B) by striking "1993 and 1994" each place it appears and inserting "1995 through 1998".

#### SEC. 111. PILOT PROJECTS.

(a) COMMODITY LETTER OF CREDIT (CLOC) PROGRAMS.—Section 18(b)(1) of the National School Lunch Act (42 U.S.C. 1769(b)(1)) is amended in the 1st sentence by striking ", and ending September 30, 1994".

(b) DEMONSTRATION PROGRAM TO PROVIDE MEALS AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Section 18 of such Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(d)(1)(A) The Secretary shall establish a demonstration program to provide grants to eligible institutions or schools to provide

meals or supplements to adolescents participating in educational, recreational, or other programs and activities provided outside of school hours.

"(B) The amount of a grant under subparagraph (A) shall be equal to the amount necessary to provide meals or supplements described in such subparagraph and shall be determined in accordance with reimbursement payment rates for meals and supplements under the child and adult care food program under section 17 of this Act.

"(2) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(3) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school agrees that—

"(A) it will use amounts from such grant to provide meals or supplements under educational, recreational, or other programs and activities for adolescents outside of school hours, and such programs and activities are carried out in geographic areas in which there are high rates of poverty, violence, or drug and alcohol abuse among school-aged youths; and

"(B) it will use the same meal patterns as meal patterns required under the child and adult care food program under section 17 of this Act.

"(4) Determinations with regard to eligibility for free and reduced price meals and supplements provided under programs and activities under this subsection shall be made in accordance with the income eligibility guidelines for free and reduced price lunches under section 9 of this Act.

"(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection from amounts appropriated for purposes of carrying out section 17 of this Act, \$325,000 for fiscal year 1995 and \$525,000 for each of the fiscal years 1996 through 1998. In addition to amounts described in the preceding sentence, the Secretary shall expend any additional amounts in any fiscal year as may be provided in advance in appropriations Acts.

"(B) The Secretary may expend less than the amount required under subparagraph (A) if there is an insufficient number of suitable applicants.

"(6) For the purposes of this subsection—

"(A) the term 'adolescent' means a child who has attained the age of 13 but has not attained the age of 19;

"(B) the term 'eligible institution or school' means—

"(i) an institution, as such term is defined in section 17 of this Act; or

"(ii) an elementary or secondary school participating in the school lunch program under this Act; and

"(C) the term 'outside of school hours' means after-school hours, weekends, or holidays during the regular school year."

#### SEC. 112. REDUCTION OF PAPERWORK.

Section 19(a) of the National School Lunch Act (42 U.S.C. 1769a(a)) is amended by striking "and other agencies" and inserting "other agencies" and by inserting ", and families of children participating in such programs" after "assisted under such Acts".

#### SEC. 113. EXTENSION OF FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(e)(2)) is amended to read as follows:

"(2) \$1,700,000 for each of the fiscal years 1995, 1996, 1997, and 1998 for purposes of carrying out subsection (a)(2)."



**SEC. 114. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NON-PROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.**

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

**"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.**

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing such activities.

"(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(C) the special milk program established under section 3 of such Act (42 U.S.C. 1772);

"(D) the special nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(E) the summer food service program for children established under section 13 of this Act;

"(F) the child and adult care food program established under section 17 of this Act; and

"(G) the homeless children nutrition program under section 17B of this Act.

"(3) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(4) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(5) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and non-financial assistance, but not including Federal procurement programs and activities.

"(6) PERSON.—The term 'person' means any individual, corporation, partnership, association, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with the food service management institute authorized under section 21 and with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local

agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include the following:

"(A) A contractor commits an action or series of actions which constitute a substantial and material violation of a regulation of a child nutrition program of the Department of Agriculture, as determined by the Secretary.

"(B) A contractor is found guilty in any criminal, civil, or administrative proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods to any local agency or to any Federal agency in connection with the child nutrition programs, of—

"(i) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(ii) fraud, bribery, theft, forgery or embezzlement;

"(iii) breach of contract;

"(iv) making a false claim or statement; or

"(v) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment, the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 3 years.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 5 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this paragraph shall re-

strict the ability of the Secretary to reverse a debarment decision, to reduce the period or scope of a debarment, nor to grant an exception permitting a debarred contractor to participate in a particular contract to provide goods in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action.

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate nonprocurement debarment proceedings against the contractor (including any cooperative) who has committed the cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person, subsidiary corporation, affiliate, parent company, or local division of a corporation that is not involved in the improper activity that would otherwise result in the debarment; or

"(4) is not in the public interest, as determined by the Secretary.

"(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section."

(b) APPLICABILITY.—Section 25(c) of the National School Lunch Act (as added by subsection (a)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the date of enactment of this Act.

(c) REPORT ON CONSISTENT DEBARMENT POLICY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and such other officials as the Secretary of Agriculture determines are appropriate, shall advise the appropriate committees of the Congress and the Comptroller General of the United States as to the appropriateness and usefulness of a consistent debarment policy under—

(1) the Federal acquisition regulations issued under title 48, Code of Federal Regulations; and

(2) Federal nonprocurement regulations.

(d) NO REDUCTION IN AUTHORITY TO DEBAR OR SUSPEND A PERSON FROM FEDERAL FINANCIAL AND NONFINANCIAL ASSISTANCE AND BENEFITS.—The authority of the Secretary of Agriculture that exists on the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities, on a government-wide basis, shall not be diminished or reduced by this Act or the amendment made by subsection (a).

## TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

### SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by striking “(1) Breakfasts served by schools” and inserting “(1)(A) Breakfasts served by schools”; and

(2) by adding at the end the following new subparagraph:

“(B) The Secretary shall provide technical assistance to those schools participating in the school breakfast program under this section to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements.”.

(b) PROMOTION OF PROGRAM.—Section 4(f)(1) of such Act (42 U.S.C. 1773(f)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraphs:

“(B) In cooperation with State educational agencies, the Secretary shall establish a program to promote the school breakfast program by—

“(i) marketing the program in a manner that expands participation in the program by schools and students; and

“(ii) improving public education and outreach efforts in language appropriate materials that enhance the public image of the program.

“(C) For purposes of this paragraph, the term ‘language appropriate materials’ means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program.”.

(c) STARTUP COSTS.—

(1) REAUTHORIZATION.—The first sentence of section 4(g)(1) of such Act (42 U.S.C. 1773(g)(1)) is amended by striking “\$3,000,000” and all that follows through “1994” and inserting “\$5,000,000 for fiscal year 1995 and each succeeding fiscal year”.

(2) AMENDMENT TO DEFINITION OF ELIGIBLE SCHOOL.—Section 4(g)(5) of such Act (42 U.S.C. 1773(g)(5)) is amended—

(A) in the matter preceding subparagraph (A), by inserting “and subsection (h)” after “As used in this subsection”; and

(B) in subparagraph (B), by inserting “or expanded” after “established”.

(d) EXPANSION OF PROGRAM.—Section 4 of such Act (42 U.S.C. 1773) is amended by adding at the end the following new subsection:

#### “EXPANSION OF PROGRAMS

“(h)(1) The Secretary may use not more than \$1,000,000 of funds made available under subsection (g)(1) for any fiscal year to make payments on a competitive basis to State educational agencies for distribution to eligible schools to assist such schools with expenses incurred in expanding a school break-

fast program established under this section. Payments received under this subsection shall be in addition to payments to which State educational agencies are entitled under subsection (b).

“(2) In making payments under this subsection in any fiscal year, the Secretary shall provide a preference to State educational agencies that submit to the Secretary—

“(A) a plan to expand school breakfast programs conducted in the State, including a description of—

“(i) the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs; or

“(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year; or

“(B) documentation of the need for—

“(i) equipment, including the purchase, replacement, or upgrading of equipment associated with expanding the school breakfast program; or

“(ii) other needs, including a need for temporary personnel, or funds to defray administrative or other costs associated with expanding the school breakfast program.

“(3) Subparagraphs (B) and (C) of subsection (g)(2), and paragraphs (3) through (5) of subsection (g), shall apply to payments made under this subsection.”.

### SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

“(9)(A) If the Secretary determines that a State’s administration of any program under this Act (other than section 17) or under the National School Lunch Act, or compliance with regulations issued pursuant to such Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under this section or under sections 13(k)(1) or 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

“(B) Upon a subsequent determination by the Secretary that the administration of any program referred to in subparagraph (A), or compliance with the regulations issued to carry out such programs, is no longer seriously deficient and is operated in an acceptable manner, the Secretary may allocate some or all of the funds withheld under such subparagraph.”.

(b) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking “1994” and inserting “1998”.

(c) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) (as amended by subsection (b)) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

“(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in any study or survey of programs authorized under this Act or the National School Lunch Act and conducted by the Secretary.”.

### SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) AMENDMENTS TO DEFINITION OF NUTRITIONAL RISK.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) in subparagraph (B), by inserting “, such as alcoholism or drug abuse” after “medical conditions”; and

(2) in subparagraph (D), by striking “and migrancy” and inserting “migrancy, and pregnancy”.

(b) PROMOTION OF PROGRAM.—Section 17(c) of such Act (42 U.S.C. 1786(c)) is amended by adding at the end the following new paragraph:

“(5) The Secretary shall promote the program by producing and distributing materials, including television and radio public service announcements in English and other appropriate languages, that inform potentially eligible individuals of the benefits and services under the program.”.

(c) ELIGIBILITY FOR CERTAIN PREGNANT WOMEN.—Section 17(d)(2) of such Act (42 U.S.C. 1786(d)(2)) is amended by adding at the end the following new subparagraph:

“(C) In the case of a pregnant woman who is otherwise ineligible for participation in the program because the family of such woman is of insufficient size to meet the income eligibility standards of the program, such pregnant woman shall be considered to have satisfied such income eligibility standards if, by increasing the number of individuals in the family of such woman by one individual, such income eligibility standards would be met.”.

(d) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—Section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: “and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time”.

(e) INCOME ELIGIBILITY GUIDELINES.—Section 17(f)(18) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

“(18) A State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the Medicaid program prior to, but not later than, July 1 of each year.”.

(f) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

“(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which such funds are collected for the purpose of carrying out the program.”.

(g) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (g)(1), by striking “1991, 1992, 1993, and 1994” and inserting “1995 through 1998”; and

(2) in subsection (h)(2)(A), by striking “1990, 1991, 1992, 1993 and 1994” and inserting “1995 through 1998”; and

(3) in subsection (m)(10)(A) by striking “\$3,000,000 for fiscal year 1992, \$6,500,000 for fiscal year 1993, and” and by inserting before the period at the end “, \$10,500,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998”.

(h) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking “and administration of pilot projects” and inserting “administration of pilot projects”; and



(2) by inserting at the end before the period the following: "and carrying out technical assistance and research evaluation projects of the programs under this section".

(I) **BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.**—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (A)(i)(II), by striking "\$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E)," and

(2) by adding at the end the following new subparagraph:

"(E) The national minimum breastfeeding promotion expenditure means—

"(i) with respect to fiscal year 1995, the amount that is equal to \$21 multiplied by the number of pregnant women and breastfeeding women participating in the program nationwide, based on the average of the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of the fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii)."

(J) **DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.**—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) in subparagraph (C), by striking the "and" at the end of such subparagraph;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) not later than 1 year after the date of the enactment of this subparagraph, develop uniform requirements for the collection of data regarding incidence and duration of breastfeeding among participants in the program, and upon development of such uniform requirements, require each State agency to report such data for inclusion in the report to Congress described in section 17(d)(4)."

(K) **SUBMISSION OF INFORMATION TO THE CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.**—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(L) **PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.**—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State will not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on such funds is used for program purposes."

(M) **USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.**—Section 17(h) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of the fiscal years 1995 through 1998, the Secretary shall use for the purposes specified in subparagraph (B), \$10,000,000 or the amount of nutrition services and administration funds for the prior fiscal year that have not been obligated, whichever is lesser.

"(B) Funds under subparagraph (A) shall be used for—

"(i) development of infrastructure for the program under this section, including management information systems;

"(ii) special state projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to as-

sess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services."

(N) **LIMITATION ON ELIGIBILITY FOR FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(1) of such Act (42 U.S.C. 1786(m)(1)) is amended by striking "or those who are on the waiting list to receive the assistance,"

(O) **EXPANSION OF FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m) of such Act (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (5)(F)—

(A) in clause (i), by striking "15 percent" and inserting "17 percent";

(B) by striking clauses (ii) and (iii); and

(C) by inserting after clause (i) the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 3 percent of total program funds for market development if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas or remote rural areas where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables."; and

(2) in paragraph (11)(D), by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(P) **CONTINUED FUNDING FOR CERTAIN STATES UNDER FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended to read as follows:

"(6)(A) The Secretary shall continue to provide funding to States which participated in the program in the most recent fiscal year as prescribed by subparagraph (B) or as a part of the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991. After satisfying the requirements of subparagraph (B), the Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 1st of each year."

(Q) **ADDITIONAL CONSIDERATION IN PROVIDING FUNDS TO SERVE ADDITIONAL RECIPIENTS IN STATES THAT RECEIVED ASSISTANCE IN THE PRIOR FISCAL YEAR UNDER FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(6)(C) of such Act (42 U.S.C. 1786(m)(6)(C)) is amended—

(1) in clause (ii), by striking "and" at the end of such clause;

(2) in clause (iii), by striking the period at the end of such clause and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iv) the number of persons receiving assistance under subsection (c) but not receiving benefits under this subsection."

(R) **PERCENTAGE OF ANNUAL APPROPRIATIONS AVAILABLE TO STATES UNDER FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(1) in clause (i), by striking "45 to 55 percent" and inserting "75 percent"; and

(2) in clause (ii), by striking "45 to 55 percent" and inserting "25 percent".

(S) **ELIMINATION OF FUNDING CARRYOVER PROVISION UNDER FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(10)(B)(i)(II) of such Act (42 U.S.C. 1786(m)(10)(B)(i)(II)) is amended by striking "or may be retained" and all that follows and inserting a period.

(T) **ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS WITH RESPECT TO DEMONSTRATION PROJECTS UNDER FARMERS' MARKET NUTRITION PROGRAM.**—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(U) **INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.**—Section 17 of such Act (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary and the Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers.

"(2) Such initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) development and implementation of strategies to ensure that, to the maximum extent feasible, new health care facilities established in medically underserved areas as a result of subsequent Federal health care reform legislation provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) Such initiative may include—

"(A) outreach and technical assistance for State and local agencies and such health centers;

"(B) demonstration projects in selected State or local areas; and

"(C) such other activities as the Secretaries find appropriate.

"(4)(A) Not later than April 1, 1995, the Secretaries shall prepare and submit to the Congress an initial report on the actions the Secretaries intend to take to carry out the initiative.

"(B) Not later than July 1, 1996, the Secretaries shall prepare and submit to the Congress an interim report on the actions the Secretaries are taking under the initiative or actions the Secretaries intend to take under the initiative as a result of their experience in implementing the initiative.

"(C) Upon completion of the initiative, the Secretaries shall prepare and submit to the Congress a final report containing an evaluation of the initiative and a plan to further the goals of the initiative.

"(5) As used in this subsection—

"(A) the term 'community health center' has the meaning given such term under section 330 of the Public Health Service Act (42 U.S.C. 254c); and

"(B) the term 'migrant health center' has the meaning given such term under section 329 of the Public Health Service Act (42 U.S.C. 254b)."

(V) **CHANGE IN NAME OF PROGRAM.**—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental

food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) REFERENCES.—Any reference to the "special supplemental food program" in any provision of law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "special supplemental nutrition program".

#### SEC. 204. NUTRITION EDUCATION AND TRAINING.

(a) USE OF FUNDS.—Section 19(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(f)(1)) is amended—

(1) by striking "(f)(1) The funds" and inserting "(f)(1)(A) The funds";

(2) by striking "for (A) employing" and inserting "for—

"(i) employing";

(3) by redesignating subparagraphs (B) through (I) as clauses (i) through (ix), respectively;

(4) by indenting the margins of each of clauses (ii) through (ix) (as redesignated by paragraph (3)) as so to align with the margin of clause (i) (as amended by paragraph (2));

(5) by striking "and" at the end of clause (viii);

(6) by redesignating clause (ix) as clause (xvii);

(7) by inserting after clause (viii) the following new clauses:

"(ix) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(x) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children of varying linguistic and cultural backgrounds to practice sound eating habits;

"(xi) developing means of providing nutrition education in language-appropriate materials to children and families of children through after-school programs;

"(xii) training in relation to healthy and nutritious meals;

"(xiii) creating instructional programming, including language-appropriate materials and programming, for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the food guide pyramid established by the Secretary;

"(xiv) funding aspects of the Strategic Plan for Nutrition and Education issued by the Secretary;

"(xv) increasing evaluation efforts at the State level regarding needs assessment for nutrition education efforts;

"(xvi) encouraging public service advertisements, including language-appropriate materials and advertisements, to promote healthy eating habits for children; and";

(8) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph, the term 'language appropriate materials' means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 19(1)(2)(A) of such Act (42 U.S.C. 1788(1)(2)(a)) is amended by striking "nutrition education and information programs" and all that follows and inserting "nutrition education and information programs \$10,000,000 for fiscal year 1995 and each succeeding fiscal year."

(c) AVAILABILITY OF FUNDS.—Section 19(1) of such Act (42 U.S.C. 1788(1)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by adding a new paragraph (3) to read as follows:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which such funds were received by the State."

#### TITLE III—MISCELLANEOUS PROVISIONS

##### SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM INTO COMPREHENSIVE MEAL PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall, not later than 1 year after the date of the enactment of this Act, develop and implement regulations to consolidate the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) into a comprehensive meal program.

(b) REQUIREMENTS.—In establishing such comprehensive meal program under subsection (a), the Secretary shall meet the following requirements:

(1) The Secretary shall ensure that the program continues to serve children who are eligible for free and reduced price meals. Such meals shall meet the nutritional requirements under section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) and under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).

(2) The Secretary shall continue to make breakfast assistance payments in accordance with section 4 of the Child Nutrition Act of 1966 and food assistance payments in accordance with the National School Lunch Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Prior to implementing the regulations described in subsection (a), the Secretary shall submit to the Congress a report containing a plan for the consolidation and simplification of the school lunch program and the school breakfast program.

(2) REPORTS WITH RESPECT TO CHANGE IN PAYMENT AMOUNTS.—If the Secretary proposes to change the amount of the breakfast assistance payment or the food assistance payment under the comprehensive meal program, the Secretary shall prepare and submit to the Congress a report containing recommendations for legislation to effect such change.

##### SEC. 302. STUDY AND REPORT RELATING TO USE OF PRIVATE FOOD ESTABLISHMENTS AND CATERERS UNDER SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM.

(a) STUDY.—The Comptroller General of the United States, in conjunction with the Director of the Office of Technology Assessment, shall conduct a study on the use of private food establishments and caterers, including fast food and other restaurants, by schools that participate in the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773). In conducting such study, the Comptroller General of the United States shall—

(1) examine the extent, manner, and terms under which such private food establishments and caterers supply meals and food to students and schools that participate in the school lunch program or the school breakfast program;

(2) determine the nutritional profile of all foods provided by such establishments and caterers to students during school hours; and

(3) evaluate the impact that the services provided by such establishments and caterers have on the ability of local child nutrition programs to operate nutritionally sound and cost-effective programs and the ability of such establishments and caterers to utilize the commodities under section 14 of the National School Lunch Act (42 U.S.C. 1762a).

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

##### SEC. 303. REPORT RELATING TO UNIFIED ACCOUNTABILITY SYSTEM UNDER NATIONAL SCHOOL LUNCH ACT.

The Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes—

(1) the status of the unified accountability system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

##### SEC. 304. AMENDMENT TO COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987.

Section 3(h)(3) of the Commodity Distribution Reform Act and WIC Amendments of 1987 is amended by striking "Hawaii,".

##### SEC. 305. STUDY OF THE EFFECT OF COMBINING FEDERALLY DONATED AND FEDERALLY INSPECTED MEAT OR POULTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the incidence and the effect of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry with federally donated and federally inspected meat or poultry from another State.

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8, the Healthy Meals for Healthy Americans Act of 1994, provides for the reauthorization of expiring programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966.

H.R. 8 represents a strong bipartisan effort, and the cooperation of two committees, to more effectively provide nutritious meals to America's youth.



I am very pleased with the results we have achieved and believe that the changes proposed in this bill reflect what we all know to be true—that if we are to attain this country's educational, economic, and social goals—we must have well-nourished children.

Last fall the President signed Goals 2000 into law to help reform education. In the next few months, Congress will vote on health care reform.

The child nutrition reauthorization is essential to the success of these efforts because hungry children cannot learn, and good nutrition is the first defense against disease.

To help ensure that our children are well fed, this bill: Reauthorizes for 4 additional years the special supplemental food program for women, infants, and children [WIC], one of the most cost-effective Federal programs in operation; extends the summer food service program; permanently authorizes the homeless preschoolers nutrition program, the breakfast start-up program, and the nutrition education and training program; provides the Secretary broad waiver authority to improve program administration; authorizes pilots designed to examine more effective ways of feeding children; provides for strong debarment requirements in the case of fraud; and makes Head Start children and preschool Even Start participants automatically eligible for participation in the child and adult care food program.

The bill also includes provisions designed to reduce paperwork, encourage continued improvement of the nutritional quality of the meals, and provide local flexibility.

An additional provision of the bill ensures that the level of commodities provided to the schools will not fall below 12 percent of the total assistance.

If additional commodity purchases need to be made to maintain this level, the Secretary has the authority to transfer funds from section 32 and other sources, but this commodity level will not be maintained by reducing cash reimbursements under section 4 or section 11 of the National School Lunch Act.

I urge my colleagues to join me supporting the Healthy Meals for Healthy Americans Act of 1994.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8 as reported by the House committee, although I have some reservations which are reflected in our alternate views.

I would like to begin by thanking the chairman, the gentleman from Michigan [Mr. FORD], and the chairman, the gentleman from Michigan [Mr. KILDEE], and their staffs for working with us to reach a bipartisan agreement

which incorporates many of the ideas set forth by Members on my side of the aisle and keeps within spending limits set forth in the 1995 budget. I would like to thank our colleagues on the Committee on Agriculture for working with us to iron out a number of differences on a number of issues of joint jurisdiction. I certainly want to thank the staffs on both sides.

I do not believe there are any more noneducation programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident those children who ate well performed better in school, and those that were hungry concentrated on an empty stomach rather than on the subject material before them.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you are aware, there are 60 school districts, part of a program to test alternatives to the current commodity system, and even though the commodity system has been improved, it still has a long way to go. Of course, therefore, I believe 60 districts should be permitted to continue to operate alternative systems.

I might add that the CLOC gives both the Agriculture Department and the school districts the best of all worlds, because it gives the Ag Department the opportunity to determine what it is the local district can buy in lieu of the commodities that would be sent in to them and at the same time allows that local school district to buy locally where they can get things better prepared, fresh, ready to use, and things they will use because of the kind of people that they are serving.

The WIC Program has helped ensure children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce and often eliminates future Medicaid and education costs for participating children.

We have also improved the farmer's market basket in the WIC Program and also pushing fresh fruits and vegetables for them to use rather than what they might buy otherwise.

There has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the numbers of fresh fruits and vegetables. We have heard a number of complaints about the quality of fresh fruits and vegetables provided under the current commodity distribution. As a result, we worked with the Committee on Agriculture to construct a provision which can provide schools with the best of both worlds; first, it permits them to refuse to accept fresh fruits and vegetables through the commodity distribution program. They can use that money to buy an equal amount of other commodities or receive an equal amount of other com-

modities and at the same time require them not to reduce the amount of fresh fruit and vegetables that they will be serving.

We have included some legislation that will help Even Start youngsters who are participating in these programs. There are several others. There is one area that my side, of course, objects to. We objected in committee. We will continue to object to it, and that is the whole concept of a universal lunch. If 30 percent of the people qualify in the school district, everybody would be subject to a free lunch. Well, we do not have any money to do that. Therefore, it says in there that that is subject to appropriations. I would hope that the Committee on Appropriations could not find money to spend on those who can afford to pay for their own meals.

Mr. Speaker, I rise in support of H.R. 8 as reported by the House Committee on Education and Labor. This legislation provides for changes in and reauthorizes our Nation's child nutrition programs.

I would like to begin by thanking Chairman FORD and Chairman KILDEE and their staff for working with us to reach a bipartisan agreement which incorporates many of the ideas set forth by Republican members of the Education and Labor Committee and keeps within the spending limits set forth in the 1995 budget. I would also like to thank our colleagues on the Committee on Agriculture for working with us to iron out our differences on a number of issues of joint jurisdiction.

I do not believe there are many other non-education programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident that those children who ate well performed better in school. Those children who came to school hungry and were not provided with nutritious meals, did not have the energy or the attention span necessary to do well in school. They were tired and were preoccupied with their need to find something to eat. The school lunch and breakfast programs have certainly contributed to the educational achievement of our Nation's students.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you may be aware, these 60 school districts were part of a program to test alternatives to the current commodity system at a time when it was in dire need of reform. While there have been major changes to the current commodity program, these districts still prefer operating their alternative projects. As the representative from a largely rural agriculture district, I am certainly supportive of continuing to provide commodities to schools. Not only does the current commodity system assist in providing children with nutritious meals, it assists in eliminating surplus agriculture products from the marketplace and maintaining stable, affordable food prices for all citizens.

However, schools participating in the cash-CLOC projects are not equipped to participate in the current commodity system nor do they believe that enough changes have been made

to make it an acceptable alternative to cash-CLOC. I believe, therefore, that they should be permitted to continue to operate alternative systems. At the same time, I believe that we should continue to improve the current program and address such continuing problems as the timing of delivery, quantity of commodities received, as well as storage and processing costs for the benefit of the majority of schools participating in the current program. To this end, I am more than willing to work with my colleagues on the Committee on Agriculture toward making necessary improvements in the current system.

The WIC Program has helped ensure that children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce—and often eliminate—future Medicaid and education costs for participating children. I am, of course, pleased that we have strengthened the WIC Program and provided for its continued growth. In addition, I believe we have made important improvements to the WIC's Farmer's Market Program, which benefits both WIC participants and the agriculture community. It has been shown that individuals who receive coupons through the WIC Program to use at farmers' markets, increase their overall purchase of fruits and vegetables and return to acquire additional items with their own dollars.

Mr. Speaker, there has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the number of fresh fruits and vegetables consumed by students. Unfortunately, we heard a number of complaints about the quality of fresh fruits and vegetables provided to schools under the current Commodity Distribution System. As a result, we have worked with the Committee on Agriculture to come up with a provision which can provide schools with the best of both worlds. First, it permits them to refuse to accept fresh fruits and vegetables through the Commodity Distribution Program. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the Commodity Distribution System. However, in order to ensure that schools do not reduce the number of fresh fruits and vegetables available to students, they will be required to use an equal amount of their cash reimbursements to purchase fresh fruits and vegetables elsewhere. This provision will allow them to purchase fresh fruits and vegetables locally in amounts which they can use within a reasonable amount of time to ensure freshness.

I am also very pleased that this particular piece of legislation includes provisions of my bill dealing with the problem of fraud, bid-rigging, and other anticompetitive practices in the procurement of goods for the child nutrition programs. I have been very concerned about allowing companies which engage in fraud and anticompetitive activities in providing products for the child nutrition programs to profit from their illegal activities at the expense of parents, schools, and taxpayers. I believe that requiring the initiation of debarment proceedings in certain circumstances and the imposition of set mandatory periods of debarment will serve to deter this type of behavior in the future, and in turn, will save millions of dollars for these very special programs.

Another provision contained in H.R. 8 would extend automatic eligibility for the Child and Adult Care Food Program to children participating in the Even Start Program. The median income of families participating in this successful family literacy program is well under \$10,000, with only 7 percent of participants reporting income over \$20,000. This provision will allow them to participate in the Child Care Food Program without filling out additional paperwork and undergoing an additional income test to determine their eligibility.

Mr. Speaker, this is important legislation. H.R. 8 provides for the nutritional needs of pregnant women and their children, children in child care, children attending elementary and secondary schools, as well as homeless children. It is worthy of the support of each and every Member of the House of Representatives.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in reluctant support of this legislation. I certainly understand and appreciate the importance of these nutrition programs. However, I am deeply concerned that this legislation does not go far enough in addressing the potential for fraud and abuse in the WIC Program.

As my colleagues know, we have in recent years consistently increased both the authorization and appropriation for the WIC Program, and have recognized the importance of providing nutritional assistance to pregnant and postpartum women, and their infants and children.

I am concerned, however, that as we have increased this funding, we have not been doing all that we can to root out fraud or abuse in the WIC Program.

This was brought to my attention recently, when an employee of a beauty salon in New Jersey related to me a conversation she had with a customer who was concerned that her WIC benefits had not come in yet. This woman was having her nails done at the time, and paying in cash \$50 for a nail wrap.

Now I do not know about you, but I know something is wrong with this system when mothers participating in WIC are paying in cash \$50 for a manicure.

Under current law, and this bill, WIC participants must meet income criteria to participate in this program: it is my understanding that the vast majority of States use an income cut-off of 185 percent of poverty for participation in WIC.

However, a 1991 study by the Quality Planning Corp. raised a disturbing question in my mind, and indicated that some States and local agencies were not doing all that they could to ensure that this income cut-off was being adequately enforced.

For example, 16 percent of State agencies requested documentation of stated income from WIC applicants, but did not require that information to be furnished. Twenty percent of State

agencies neither requested nor required documentation of income, and accepted the figure an applicant provided without any means of verification. Thus, more than one-third of State agencies were not requiring applicants to back up or provide documentation as to the income they reported for participation.

I would note also that such documentation need not present any particular burden: This could be done by providing a tax return; a pay stub; documentation of unemployment benefits; or evidence of Medicaid, food stamp, or AFDC participation.

At a minimum we should be requiring all States to obtain this documentation of income. In fact, this is an issue I raised during committee consideration of the WIC provisions in the President's health care bill. Moreover, on several occasions I have raised this question, and asked that the committee include an independent GAO analysis of these issues, and an assessment of fraud and abuse in the WIC Program. But to date, I have had no commitment from the majority on this.

As we increase funding for the WIC Program, and move toward full funding under the President's health care bill, I would think that my colleagues would take action on this issue, and make an effort to root out waste, fraud, and abuse in these programs.

While many of my colleagues will pay lip service to welfare reform, I would say that welfare reform should begin here and now.

Clearly we must do better in ensuring the WIC Program delivers its much needed benefits to those who truly need them—and not those who would game the system because of lax State and Federal regulation.

As this legislation moves forward, I will be working to ensure that adequate protections from waste, fraud, and abuse are adopted for the WIC and other programs, and I encourage my colleagues to join me in this effort.

□ 1340

Mr. Speaker, I did speak with the chairman of the subcommittee earlier, and I believe there is more understanding on the issue at hand, and I am sorry that the gentleman and I could not have conferred directly prior to floor consideration. But it is my understanding, and I would like to ask the chairman now: Is my understanding that there is agreement as to a request for a GAO study on this very issue?

Mr. KILDEE. Mr. Speaker, I yield 1 additional minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Speaker, in response to the gentlewoman, yes, I will be very happy to join with her in asking for an updated verification of data from the GAO. The last one, about 10 years old, showed about a 5-percent error rate. I will be most happy to join with the gentlewoman from New Jersey in asking for a GAO update on that data.



Mrs. ROUKEMA. I think that is very important as we move toward more expanded funding. Hopefully, at some point in the future it is an entitlement, and an even greater expansion of the program. I think we have to be absolutely certain that while we talk about welfare reform in the abstract, that we recognize here is a real live situation and we should be moving, at the inception of the program, to assure verification through the States.

Mr. Speaker, I thank the chairman for his cooperation.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], a member of the committee.

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE]. Members may ask themselves what is DUKE CUNNINGHAM doing supporting a social program? Mr. Speaker, when a social program has positive economic benefits—and we all know that most of our welfare social programs need to be eliminated—but this one is not in that category. I am not only a supporter but a cosponsor of H.R. 8, Healthy Meals for Healthy Americans Act. The reauthorization of H.R. 8 in the Committee on Education and Labor made great strides improving the flexibility, increasing program access by children.

Mr. Speaker, if we want and expect children to perform better in school, we must make sure the children have the capacity to fully benefit from their education. I would ask the speaker: With your own children at home, if your kids are hungry, how much control do you have over them, or how much do they learn?

The same is true with our teachers in the schools: A healthy child does learn better.

It also relates to children's achievement. In some cases, we have up to 47 percent of our kids who lose or drop out of school by the time they are in high school. Healthy kids who learn better, to me that is economically sound. H.R. 1, I am particularly pleased to see increased flexibility in provision 3, allowing schools the option to provide school lunches to all students if they work within that school's previous year budget. Most of us are opposed to the fact that if 30 percent or more qualify for the program, that we include the whole school. That is wrong. That is not economically sound.

But if they operate within the budget and do this, through paperwork—and I have a good example, this is not a test but it has been proven in four different schools, one of those being in south San Diego. The four schools that participated in the paperwork reduction pilot program under the National School Lunch Act have experienced a

high rate of success in reducing the stigma of serving nutritious meals to more children while reducing the paperwork and the cost of the program.

One of these pilot programs is the national school district in San Diego. I invited Helen Kerrian, director of the child nutrition, to testify before the committee on her program. It was a resounding success. Up to 75 percent of those children in the national city school district qualify for reduced-price meals. Through this program, students receive nutrition, education, and they make certain that no child goes hungry. These programs have made great strides, and I am pleased that after conversations with USDA we have been assured that a continuance of these pilot programs will exist.

What we do is we run a pilot program and, before we go national, we make sure it is cost effective. I reiterate, when it is economically sound, a social program should be supported.

Included in the legislation is a reauthorization of the Women, Infants and Children's Program, called WIC.

Mr. Speaker, this program, Women, Infants and Children, is targeted to low-income pregnant women, infants and children under the age of 5 who are at nutritional risk. If you have a child who is at nutritional risk, that child is not going to do well in school. The chances are they are going to drop out of school. If they drop out of school, they are going to get a low-income-paying job, end up on welfare, unemployment, workman's comp, or at best, end up in a ghetto, involved in crime.

So it is cost-effective if we look beyond the end of our nose.

Numerous studies have demonstrated that WIC is cost beneficial. GAO reports that up to \$3.50 in Medicaid funds are saved for each dollar spent in WIC. Let me repeat: \$3.50 in Medicaid funds are saved for every dollar that we spend in WIC. That is economical, that is a conservative position, and I would ask my conservative friends to support H.R. 8.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. JOHNSON].

Mr. SAM JOHNSON of Texas. I thank the gentleman from Michigan for yielding this time to me.

You all are too kind.

Mr. Speaker, besides what the gentleman from New Jersey was talking about earlier on WIC, I think that the child who has the ability to pay for lunches, there is absolutely no justification to provide free meals to those kids. The way this reads is that if 30 percent of the school children are receiving free meals, the whole school gets free meals, meaning that we provide free meals to everyone, paid for by the Government. Any time you accommodate a group universally whether they need it or not, it is socialism. I do not think this House wants to support

that kind of a thing even though it is in an authorization bill and you say it is not going to be appropriated. I think it is time we started authorizing what we really intend.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of the amended version of H.R. 8, the Healthy Meals for Healthy Americans Act, that is being considered by the House today. The Committee on Agriculture received sequential referral of the legislation reported by the Committee on Education and Labor.

This legislation reauthorizes funding for several of our Nation's most vital and successful nutrition programs. It also makes a number of improvements and increases flexibility in the way the Federal Government operates the School Breakfast and School Lunch Programs and the WIC Program, including the Farmers' Market Nutrition Program.

One of the areas of particular interest to the Committee on Agriculture is the distribution of agricultural commodities in the School Lunch Program.

During its consideration of the legislation, the Committee on Agriculture kept foremost in mind that the Commodity Distribution Program has two primary objectives. No. 1, it seeks to safeguard the health and well-being of our Nation's children. No. 2, and equally important, it seeks to support agriculture by encouraging the domestic consumption of nutritious agricultural commodities.

The agreement worked out between the Committee on Agriculture and the Committee on Education and Labor on these issues has been included in the committee amendment. These changes are as follows:

The amendment requires that at least 12 percent of Federal assistance provided under the School Lunch Program must be in the form of "entitlement commodities."

The amendment permits schools to refuse fresh fruits and vegetables provided through the Commodity Distribution Program and, instead, choose some other entitlement commodity, if they agree to purchase produce in their local markets that are equal in value to those provided in the Federal program. Furthermore, those cash purchases must be in addition to the fresh produce they would otherwise purchase.

The amendment makes permanent the current demonstration program where 60 sites around the country can use their commodity assistance in an alternative form, either cash or as a commodity letter of credit.

Mr. Speaker, I want to express my appreciation to Chairman FORD of the

Committee on Education and Labor and to the other gentleman from Michigan, Representative KILDEE, who chairs the Subcommittee on Elementary, Secondary, and Vocational Education, for their willingness to listen to our concerns. I also appreciate the cooperation of the gentleman from Pennsylvania [Mr. GOODLING], the committee's ranking minority member, in helping us arrive at this agreement on H.R. 8.

Mr. Speaker, I also want to make clear that the Committee on Agriculture will be vigilant in its oversight of the Commodity Distribution Program. It is my hope that the Department of Agriculture, the schools, and commodity producers will work together to improve this program and make it as user friendly for schools as possible.

I would like to mention that the Department has formed a USDA Commodity Improvement Council, which includes the Food and Nutrition Service, the Agricultural Marketing Service, and the Agricultural Stabilization and Conservation Service. This Council will seek to improve not only the nutritional quality of the commodities provided to the School Lunch Program but also the form of the commodities, and the distribution, transportation, and storage system for these commodities.

Mr. Speaker, I also want to inform my colleagues that USDA intends to establish a demonstration project with the Department of Defense for the purchase and distribution of fresh fruits and vegetables used in the School Lunch Program.

As Members may know, the Defense Department has in place its own food purchasing and distribution system for military and veterans installations around the country. This system allows the Defense Department to guarantee delivery on a date certain and provide a wide variety of produce purchased at low cost. The Committee on Agriculture has encouraged the Secretary of Agriculture to continue exploring this and other innovative methods of commodity delivery, and we look forward to receiving a report from the Secretary upon completion of this demonstration project.

□ 1350

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker and Members, I rise in support of the bill in front of us. I think it is important that we reauthorize our children nutrition programs. I will say the greatest scandal in the nutrition programs in America today is that only 45 percent of the kids in our schools participate in school lunches. We all ought to be a little bit alarmed that we have a program that is meant to provide nutrition for

these children and yet they find the programs sufficiently unappealing that they are unwilling to participate, and they are willing to take that can of soda and a candy bar in exchange for or in lieu of a school lunch. That is the problem we ought to be dealing with much more than we are both here in the Congress and at the Department.

I want to take a little bit of time, Mr. Speaker, to deal with a second misunderstood issue about child nutrition, and that is the issue of school milk, particularly the whole milk issue. We have all heard more about that issue that I suspect we want to, but let me make it clear that present policy does not mandate the drinking of whole milk despite what some people have suggested. However, Mr. Speaker, in politics, because perception is reality, I think the committee has properly come up with language which changes that perception.

Let me read for my colleagues the language in the new bill:

Lunches served by schools participating in the School Lunch Program shall offer students whole milk and shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety is less than 1 percent of the total milk consumed.

Mr. Speaker, it is the intent of this language to deal with the reality that we all want to offer students a choice based on their own bodily needs and their personal tastes. Yet we have recognized that the problem in the past is that if we did not—in some way, shape, or form—mandate that we reject those desires, that when schools went out and bid for their milk contracts for the upcoming school year that the bids would always come in with all 1-percent or low-fat milk despite what the students wanted, and the school board, required to take the lowest bid, would have no choice.

So, what we do in this language is we make it very clear: Students have every right to choose whatever type of milk they would like to consume. The schools should base their annual contracts on the previous year's consumption, whether it be whole milk, whether it be 2 percent, 1 percent, whether it be white milk, or chocolate milk, or other flavored milk, et cetera. However, if in any of those categories the consumption is below 1 percent, the school has no obligation to continue that particular option.

Now this is not meant to be—and we state it very specifically in the report language—that this should not in any way, shape, or form be meant to increase paperwork on these overburdened local school dietitians that they face today, but rather it should be a way of making clear to everyone that all we have ever wanted and all we will gain under this is the same choice we have always believed every student ought to have.

Mr. Speaker, I would like to thank Chairman FORD, Chairman KILDEE, and the ranking minority member, BILL GOODLING, for their leadership in crafting bipartisan legislation. This reauthorization has addressed widespread concerns with the National School Lunch Program and lays a strong groundwork for bringing the School Lunch Program into the 21st century. I believe we have incorporated many reform suggestions from school food service personnel and administrators, WIC directors, and food and agriculture industry leaders.

The reauthorization of the National School Lunch Program has focused substantially on the nutritional content of school meals. It is a complex endeavor to try to fashion a flexible framework for nutrition standards when this program reaches across so many social, cultural, economic, and regional lines. One problem, though, which continues to persist is calcium deficiencies among school-aged children, especially girls. The fact is, Mr. Speaker, that only 10 percent of girls between the ages of 12 and 17 are getting their minimum daily requirement of calcium, the nutrient so important in preventing osteoporosis and hypertension. Dairy foods are responsible for 75 percent of the calcium and 35 percent of the riboflavin consumed daily by school children.

The consumption of dairy foods and their importance in combating mineral and nutrient deficiencies brings me to a point—a very misunderstood issue—debated on this floor before: whole milk. Current law states that, "Schools shall offer fluid whole and unflavored lowfat milk." Many well-intentioned people have sought the elimination of whole milk as a way to decrease fat levels in school meals. Although I agree we need to decrease fat levels, whole milk has become the scapegoat. On an average, only 22 percent of the saturated fat in a young child's daily diet comes from dairy products. That figure decreases as the child gets older. In fact, when compared to potato chips, french fries, tater tots, cookies, and cake, milk's contribution to saturated fat in children's diets is minimal.

And so, a compromise was reached during full committee markup of this legislation to modify the offering of varieties of milk. The statute has been amended to simply require schools to offer students fluid milk based on the student's preferences in the prior year, the concession being that a school does not have to offer a variety of milk that less than 1 percent of the students drink. I believe the compromise on whole milk stakes out reasonable middle ground which gives schools flexibility and students maximum choice.

First, the language included in this legislation simply asks schools to make available the varieties of milk the students will drink, thereby diffusing the argument that the Federal Government is imposing milk mandates. Second, we are ensuring that students will continue to have access to the variety of milk they want, because schools must bid and offer milk according to consumer preference. Without some type of Federal guidance with regard to the types of milk offered in the School Lunch Program, schools could bid and purchase milk on the basis of lowest price alone, which does not ensure that children will have choices available to them, thus creating the possibility of lower milk consumption.



I would like to touch briefly on the issue of participation in child nutrition programs. In my State of Wisconsin, in 1993, only 45 percent of total student enrollment participated in the School Lunch Program. This is especially disturbing since many low-income children depend on school lunch and breakfast as their only source of nourishment during the day. Efforts to decrease fat, as I have said, are necessary. But let us not inadvertently decrease participation even further by offering a school tray which contains nothing familiar to or liked by kids.

And finally, I would like to commend my colleague, BILL GOODLING, for his efforts to increase the offerings of fresh fruits and vegetables in school feeding programs. The Agriculture Committee, at a hearing on the use of agricultural commodities in school feeding programs, heard testimony about the commodity distribution system's failure, in some instances, to meet schools' needs for fresh fruits and vegetables. Mr. GOODLING has worked diligently with the members of the Agriculture Committee, myself included, to work out a reasonable solution addressing the quality and continuation of USDA commodities.

I am pleased that this legislation includes language which would permit schools to decline the receipt of fresh fruits and vegetables from the Commodity Distribution System. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the commodity system while using cash to purchase fresh fruits and vegetables. Also, the continued level of commodity support in the School Lunch Program is guaranteed by requiring that at least 12 percent of the Federal assistance provided to the School Lunch Program will be in the form of commodities. I believe this compromise respects both the essential role commodities play in school feeding programs while affording maximum flexibility to school personnel.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 8, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to point out that in committee the gentleman from Ohio [Mr. BOEHNER] offered a very sensible amendment. We thought that it would be taken care of; unfortunately it was not. So, what we have included is a study. The Comptroller General of the United States should conduct a study on the incidence and effects of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry of federally donated and federally affected meat or poultry from another State, and the report, not later than September 1 of 1996. The Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection A.

Mr. Speaker, that is how we ironed out that problem at the present time.

Mr. KLECZKA. Mr. Speaker, I rise today in support of the bill H.R. 8, and to let my colleagues know of a situation which has concerned me and my constituents. The situation is fraud and abuse of the WIC Program.

As we all know, the Special Supplemental Food Program for Women, Infants, and Children—popularly called WIC—provides infant formula and other foods to low-income women and children who are at proven nutritional risk. The program is a successful one. The committee itself has stated that WIC decreases the incidence of very low birth weight by 44 percent and lowers the occurrence of later fetal deaths by up to one-third. The fiscal benefits of WIC are telling as well. Every \$1 spent on a pregnant woman under WIC saves up to \$4.21 in Medicaid costs for newborns and mothers.

Unfortunately, we are losing money day after day because of fraud and abuse in this laudable program. My constituents in Wisconsin report of vendors offering free beer and cigarettes contingent upon the redemption of a WIC check. Many of these vendors then charge inflated prices on WIC-approved items in order to cover the costs of the give-aways. These low-income folks get caught in the middle.

In fact, a recent report by the Wisconsin Legislative Audit Bureau showed that the average price for a gallon of milk in south central Milwaukee, which makes up a portion of my district, was \$3.02 while the statewide average was \$2.52. Evidently, these stores are charging extravagant prices so that they can use the excess profits to pay for the beer and cigarettes they give away. I am sure we can all agree that this is not nutritionally sound, and certainly not what we intended for the WIC Program.

While the State of Wisconsin, and many other States around the country, have taken steps to rid the program of fraud and abuse, it is not easy. We must do what we can to help them. Rules to eliminate abusive and fraudulent vendors should be strengthened; free-item promotions directed at WIC participants should be prohibited; State criminal and civil penalties for vendors convicted of WIC Program fraud and abuse should be created; and the number of vendors authorized to accept WIC food drafts should be limited so that enforcement efforts are more effective. And, we should consider enhancing WIC delivery through electronic means.

Mr. Speaker, we are letting valuable taxpayer dollars slip through our hands. This is a problem that deserves our attention and energies.

Ms. SHEPHERD. Mr. Speaker, with 1 in 4 children in this country born into poverty, hunger is a very real and daily problem for millions of American families. In Utah, it is estimated that 1 in 9 children under the age of 12 regularly go to bed hungry. The school lunch and breakfast programs were created in recognition of the simple fact that hungry children cannot learn. Unfortunately, because the programs have been regarded more as welfare programs than nutrition programs, they have become bogged down in eligibility rules at the expense of providing meals to children who otherwise go hungry.

The administrative burden of providing eligibility is turning more and more schools away from participating in the program and the stigma associated with participating in a welfare program turns many eligible families away. The losers are the children who go without. When participation in Salt Lake schools dropped off, school officials realized that children who were in the reduced price category did not eat. The main reason: Their families could not afford it. To target this problem the school district waived the reduced charge for lunch and breakfast and picked up the additional costs themselves. This change has vastly increased participation in the school lunch and breakfast programs in Salt Lake and has refocused the program on the important goal of providing children with the healthy meals they need to learn.

The Healthy Meals for Healthy Americans Act includes a pilot program that would encourage such innovations in school meals programs in our Nation's poorest schools where free meals are needed most. The Salt Lake example shows that by focusing on the true goal of the programs—providing children with a healthy meal—we can provide children with nutritious options for meals and snacks at little to no extra cost.

I commend my colleague, Representative MILLER, for his work on this important program. While some may argue the cost is too high, I say the cost of hungry children is far higher. I urge your support.

Mr. MILLER of California. Mr. Speaker, today I listened as colleagues on the other side of the aisle attacked the universal school meal pilot included in the Healthy Meals for Healthy Americans Act. I would like to clarify for the opponents of this measure what it is we seek to achieve with its implementation.

The universal pilot is a critical step toward ensuring that our investment in our children's education is not wasted. It is counterproductive for Federal and State governments to commit substantial public resources in teachers and books if the children they are intended to teach cannot pay attention because their parents did not have the time and/or money to provide them an adequate breakfast and lunch. It is in our best interest to protect our sizable investment in education by ensuring that all our children, regardless of their parent's income, receive adequate meals in school.

Much has been said today concerning the cost of moving from this pilot to full implementation of a universal school meal program. I assure my colleagues that during the course of the pilot, I intend to look into alternative payment structures that will decrease the cost burden of full implementation on the Federal budget. One such alternative being explored is to use the resources of the Internal Revenue Service. Under such a structure, all students would eat breakfast and lunch without payment at school; payment rates based on income would be recouped from parents by the IRS at the end of the year. This would allow schools to realize the benefits of a universal system without imposing a substantial cost on the Federal Government.

Let us not forget the benefits of the paperwork reduction pilots that we have extolled here today. The universal pilot takes these

projects and expands their benefits one step further. It allows us to explore how a universal school meals program would affect school districts in a variety of settings across the country. In addition to preparing our students to learn, a universal system could provide significant help in fighting childhood hunger, allow schools to reallocate resources from paperwork, provide an incentive for students to stay in school, and promote participation by students by eliminating the income identification stigma.

The reports to be issued by the pilot schools will examine these and other important factors for proper evaluation of the costs and benefits of the program. From this, the Education and Labor Committee will be able to judge the value of a nationwide universal system.

Mr. Speaker, time and time again, I hear my colleagues speak of our children as our greatest asset and how we must protect them to protect our Nation's future. I commend this body for taking a significant step toward exploring a program that could do just that. I commend this body for authorizing the Universal School Meals Pilot Program.

Mr. SYNAR. Mr. Speaker, I would like to raise and extend my remarks. I would like to thank the chairman for recognition. It is my understanding that in the Senate companion bill, S. 1614, there is a provision which would remove the urban area restriction from the current definition of reservation is the U.S. Department of Agriculture's Food Distribution Program. Because Oklahoma tribes are not on traditional reservations, this restriction places an undue hardship on low-income native American families living in urban areas of Oklahoma. It is my understanding that the Senate provision is not controversial, and that CBO has rated this at a no score, with no increase in cost to the Food Stamp Act. Unfortunately, the House was unable to consider this provision, and I would like to urge my colleague, Mr. DE LA GARZA, to consider this provision in conference. Thank you for the time.

Mr. MCKEON. I rise in support of H.R. 8, reauthorizing and strengthening our Nation's child nutrition programs.

During hearings held by the Subcommittee on Elementary, Secondary and Vocational Education, one of the witnesses pointed out that over 50 percent of the paperwork completed by schools for the Federal Government involves child nutrition programs such as the National School Lunch Program and the school breakfast programs. In other words, school food service staff are spending more time on paperwork than providing nutritious meals to children.

There are a number of provisions in this legislation which addressed this problem, including a section allowing schools to request waivers from requirements of the school lunch and breakfast programs.

In addition, I was able to include several additional provisions which will help reduce the paperwork burden. For instance, one new provision allows for State authorities to approve an agency's monthly inventories, purchases, and serving records as an adequate audit trail. This audit trail must demonstrate that sufficient food stuffs have been purchased to meet the nutritional requirements of the meals served. Under current regulations, even where clear

records and an audit trail exist, additional forms must be filled out in a prescribed format. This section will allow the State agency to use regulatory compliance as a measure of the adequacy of the records being kept, thereby providing recordkeeping flexibility.

This will greatly benefit my State of California, where these records for one year would stack a mile and a half high.

Mr. Speaker, I commend my colleagues for reporting a bill which will help reduce paperwork in our Nation's schools and thank Mr. Richard Deburgh of Granada Hills, CA, for bringing this matter to my attention.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994.

H.R. 8 contains the reauthorization of programs and projects included in the National School Lunch Act and the Child Nutrition Act of 1966.

The legislation reauthorizes several child nutrition programs or projects which will expire at the end of fiscal year 1994. These expiring programs include the Summer Food Service Program, the Commodity Distribution Program, nutrition education and training, State administrative expenses, the School Breakfast Start-up Grant Program; the Special Supplemental Nutrition Program for Women, Infants, and Children [WIC]; the authority for the continuation of alternative Cash/CLOC commodities, and the authorization of funding for the Food Service Management Institute. The school lunch, school breakfast, child and adult care food, and special milk programs are permanently authorized.

The Summer Food Service Program authorized under section 13 of the National School Lunch Act, provides funds for food service for needy children during summer vacation. Service institutions eligible to participate in this program are limited to those serving children from areas in which poor economic conditions exist. H.R. 8 establishes priorities for selecting summer food sponsors and also eliminates the 1-year waiting period for organizations that want to operate programs.

The authority for commodity distribution requires the Secretary of Agriculture to use section 32 custom receipts to help meet the legislatively mandated levels of commodity support for child nutrition programs. If this authority were to expire, and the Secretary did not use section 32 funds for these programs, additional appropriations from the general fund of the Treasury would be required to purchase the mandated level of commodities.

The Nutrition Education and Training Program is authorized by section 19 of the Child Nutrition Act. This program provides funds for training school food service personnel in food service management, instructing teachers in nutrition education and teaching children about the relationship of nutrition to health in order to assist them in making wise food choices. Considering the increased emphasis on improved nutritional content of school meals, informing children early of the vital benefits of good nutrition is of particular importance.

State administrative expenses are necessary for program administration and for supervision and technical assistance in local school districts and child care institutions.

H.R. 8 makes permanent the breakfast start-up and expansion program. Many studies

show that there is a clear link between proper nutrition and learning in the classroom. Making breakfast available to students who otherwise would not be provided a breakfast increases the likelihood that children will eat breakfast and be prepared to learn in school.

The Special Supplemental Nutrition program for Women, Infants, and Children [WIC] has been cited by many as one of the most successful Federal programs. WIC provides nutritious supplemental food to low income pregnant, postpartum, and breastfeeding women; to infants; and to children up to their fifth birthday. H.R. 8 changes the name of the program from the Special Supplemental Food program for Women, Infants, and Children to the Special Supplemental Nutrition Program for Women, Infants, and Children. The legislation also strengthens and improves the program by expanding the breastfeeding provisions and the definition of nutritional risk.

H.R. 8 also makes permanent several Cash/CLOC pilot projects. For the past several years, school districts throughout the Nation have participated in a demonstration of an alternative to the existing commodity donation component of the National School Lunch Program. Under the Cash/CLOC Program, school districts are authorized through letters of credit to make their own purchases of specified foods in place of receiving donated commodities purchased by the U.S. Department of Agriculture. The commodity letters of credit [CLOC's] are used to purchase foods from local commercial sources.

Further, H.R. 8 reauthorizes the WIC Farmers' Market Nutrition Program and the Food Service Management Institute. The WIC farmers' market program makes available fresh fruits and vegetables for WIC recipients. The Food Service Management Institute conducts research and also serves as a central location where food service authorities can receive guidance and direction in operating effective and efficient food delivery services.

Not only does this legislation contain programs to be reauthorized, but it also includes: First, a demonstration universal lunch program which will permit all children to eat free regardless of family income; second, waivers provisions to provide Federal assistance in a way which eliminates unnecessary administrative burdens, paperwork, and overly prescriptive regulations; and third, negotiated rule-making which, prior to the publication of regulations, requires communication between the Secretary and those organizations/individuals who are most affected by the regulations.

Mr. Speaker, the programs and projects contained in this legislation are all vital programs for there is no place in our Nation for hunger. It is particularly debilitating when hunger affects us, and even more so when it affects our children. As a means of providing some much needed relief, H.R. 8 has been conceptualized to bring immediate relief to our children.

I urge my colleagues to support this legislation.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994. This legislation will continue Congress' effort to provide nutritious food for the hungry in our Nation.

H.R. 8 reauthorizes programs included in the National School Lunch Act and the Child



Nutrition Act of 1966. These Acts provide authority for Federal financing of meal-service and nutrition programs serving approximately 27 million children. These programs include the School Lunch, School Breakfast, Child Care Food, Summer Food Service, Special Milk, Nutrition Education and Training [NET], State Administrative Expenses, and Commodity Distribution Programs.

The authority for several of these child nutrition programs and projects will expire at the end of fiscal year 1994 unless legislation extending them is enacted. The expiring programs include the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Summer Food Service Program, the School Breakfast Start-Up Grant Program, the Nutrition Education and Training Program [NET], the State Administrative Expenses [SAE] Program, the Homeless Preschool Children's Project; a two-State demonstration project providing alternative eligibility for the Child Care Food Program for proprietary child care facilities; authority for the continuation of CASH/CLOC commodity alternative schools; and the authorization of funding for the Food Service Management Institute.

One of the programs included in this legislation is the WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children). The WIC Program is one of the most cost-effective programs in existence. It seeks to improve the health and nutritional status of low-income pregnant women, infants, and children determined by medical authorities to be at nutritional risk. This program was established to aid in resolving the plight of our women and children who live in poverty. I earnestly believe that adequate funding of the WIC Program is a sound investment of Federal funds that saves billions of dollars in health expenditures by preventive intervention. Numerous studies, the testimony of expert witnesses, and the support of various agencies have all presented a formidable case demonstrating the success of WIC Programs. Recent reports show that for every \$1 spent on WIC participants, \$3 is saved in terms of health care. WIC is a true nutrition program whose benefits are tailored to the special nutritional needs of the recipients it serves. Evaluation studies also show that the WIC Program has been cost effective in both health and dollar terms. Time and time again, this program has demonstrated its cost-effectiveness. Currently, the WIC caseload is about 2.9 million and the program is funded at \$3.2 billion for fiscal year 1994. This legislation contains amendments to improve and promote the WIC Program, such as, additional breast-feeding activities, expanding the definition of "nutritional risk" and removing some of the barriers for participation.

Another program included in this reauthorization is the Summer Food Service Program for Children which provides food for children in low-income areas during the summer months. In effect, it is an extension of the School Lunch Program for poor children during the time that school is out of session. The program is expected to serve over 2 million children this summer with an appropriation of \$233 million for fiscal year 1994.

The school breakfast start-up and expansion program is also included in this reauthoriza-

tion. This legislation permanently authorizes the School Breakfast Start-Up Grant Program. According to a recent report sponsored by USDA entitled the National Evaluation of School Nutrition Programs, the principal nutritional benefits of the breakfast program is that it increases the likelihood that children will eat breakfast. This can be considered a nutritional benefit in that, on the average, children who eat a breakfast are substantially better nourished than those who skip breakfast. H.R. 8 also provides for the improvement of the quality of the school breakfast meal pattern for approximately 5.8 million low-income children.

The Nutrition Education and Training Program [NET], another program included in this reauthorization, provides for nutrition education and information to educational and school food service personnel, and child care institutions. This program specifically provides for instructing students on the nutritional value of food and also trains school personnel to improve the management of these programs. Currently, \$10 million is appropriated for this purpose.

Another expiring program provides for payments to the States to assist in meeting the administrative costs of operating all of these Federal programs. The authority for such payments now provides \$85.8 million for fiscal year 1994.

H.R. 8 makes permanent and expands the Homeless Preschoolers Nutrition Program which is currently operating as a demonstration program. The committee is pleased with the success of the Homeless Preschoolers Nutrition Program and its growth. I am encouraged by its efforts to help insure that children are ready to learn in school.

In addition to reauthorizing several programs, this legislation adds new non-cost provisions. An example of one of these provisions is the "waiver statutory and regulatory requirements." These waiver provisions are necessary to facilitate the ability of the State or service provider to feed hungry children in the most efficient manner. In other words, this provision will eliminate unnecessary administrative burdens, paperwork, overly prescriptive regulations and permit flexibility in the implementation of these programs.

Another provision included in this legislation is a "universal pilot program." The universal meal concept assumes that meals provided in a school are served free to all children. A universal program has many advantages including fighting childhood hunger and promoting participation by eliminating the income identification stigma associated with the program. The Committee wants to expand its knowledge relative to the universal concept and explore its effect on a variety of school districts across the country.

Mr. Speaker, there are many other provisions contained in this legislation including extensions of the WIC Farmers' Market Program and the Food Service Management Institute; negotiated rulemaking activities; and automatic eligibility for Head Start participants.

I want you to know that I have a grave concern for the Federal deficit; but I also believe that, more importantly, it is in our national interest and a wise investment for the present and the future that we put forth efforts to put an end to the scourge of hunger in our Nation.

Evidence abounds that there is a correlation between children who are well-nourished and their motivation, and children who come to school with inadequate nutritious food and their achievement levels. The committee has prepared a child nutrition committee print which I recommend to all of you. This print includes research which shows the impact of hunger on academic achievement in the classroom.

In addition, the National Center for Children in Poverty reported that in 1990 nearly one out of every four children under the age of 6 lived in poverty, and unless something more is done to help them, many of our children will remain strapped in the vicious cycle of poverty which results in failure in the home, the school, the workplace, and in the community.

There is nothing more urgent and crucial in the development and forward movement of our country than to make sure that our young are provided for in terms of proper nutrition. I believe that there is a national crisis in this regard and we can play a major role in what we do today in terms of resolving the issue of hungry and malnourished children in our Nation.

I urge my colleagues to support this vital legislation.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended.

The question was taken.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 8, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### PROVIDING FOR TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING ON SEPTEMBER 30, 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1880) to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994,

and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I will not object, but I would like the gentleman from Michigan [Mr. KILDEE] to explain his unanimous consent request.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, S. 1880 changes the termination date for the National Education Commission on Time and Learning from 90 days after submission of its report until September 30, 1994. This will give the commission a little extra time to carry out certain followup activities related to the release of their report and also provide for more orderly termination of the commission's work. The Department of Education already has the funds to pay for these activities, and no additional appropriations are required. I know of no opposition to the bill.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Michigan [Mr. Kildee] for his explanation. There are no extra costs associated with this legislation.

Mr. GOODLING. Mr. speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1880

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

Subsection (g) of section 102 of the National Education Commission on Time and Learning Act (20 U.S.C. 1221-1 note) is amended by striking "90 days after submitting the final report required by subsection (d)" and inserting "on September 30, 1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1880, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 820) to amend the Stevenson-Wylder Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. WALKER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 820 be instructed to agree to repeal the prohibition on judicial review contained in section 611 of title 5, United States Code.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct directing the House conferees on H.R. 820 and the Senate amendment to agree to title IX of the Senate amendment. This section is similar to H.R. 830, the Regulatory Flexibility Act, a bill which has over 250 cosponsors. This section provides us with a real opportunity to enhance the competitiveness of U.S. industry.

The Regulatory Flexibility Act was passed in 1980 to force Federal regulatory agencies to consider the impact of their rules and regulations on small businesses and to craft those rules in ways which will be least harmful to small businesses. This law has been successful, but it does contain weaknesses which keeps it from fulfilling all of its intended purposes. Chief among these is the inability of small businesses to challenge in court agency compliance with the RFA. Title IX of S. 4 would repeal the current ban on judicial review of agency compliance with the RFA and force Federal agencies to seriously consider the impact of new rules and regulations on small businesses. Lifting the ban on judicial review would put some much-needed teeth into the RFA.

The Senate amendment to H.R. 820 would also require agencies to consider

the indirect effects, as well as the direct effects, of their rules on small businesses. The original act unfortunately does not require regulatory agencies to examine the indirect impact of their regulations on small businesses. Often, Federal regulations fail to examine the secondary effects of their actions. It is my hope that this provision can be maintained in conference, as well.

There are those who may argue that this provision should not be retained by the conference because it does not belong in H.R. 820, the National Competitiveness Act of 1994. My response is that the type of relief provided by the Senate language is just what is needed by small businesses in this country to boost their overall competitiveness. If we fail to keep this language in H.R. 820, a multibillion dollar authorization for advanced technology programs, we will in effect be giving with one hand and taking away with the other. Such action will stand as yet another instance where the Federal Government in all its wisdom determines what is good for its citizens, despite their wishes to the contrary.

I remind my colleagues that the U.S. Chamber of Commerce and the National Federation of Independent Business have both announced that this vote will be a key vote in their assessment of 1994 House actions. I want to thank the Republican chairman of the Small Business Committee, Mrs. MEYERS, and the original sponsor of the legislation, Mr. EWING, for their support and assistance with this motion, and I urge an "aye" vote.

□ 1400

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

#### GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the legislation now under consideration.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER], and I would note that a number of other Members of the House, including committee chairman, are opposed to this for reasons that are both substantive and procedural.

Mr. Speaker, as the Members are aware, the Senate is not constrained by the same rules of germaneness that control the consideration of amendments in the House. When the Senate considered H.R. 820, the National Competitiveness Act, in its wisdom it doubled the size of the bill passed by the



House by adopting over 100 pages of amendments, virtually none of which had anything to do with the underlying bill passed by the House.

Among other things, the Senate added provisions relating to the private carriage of urgent letters; an entire title devoted to amending laws relating to counterintelligence; a title permitting local entities to waive certain Federal requirements relating to Federal assistance programs; a provision requiring legislative reports and agency actions to contain detailed economic impact analyses; and this provision amending the Regulatory Flexibility Act.

None of these provisions are germane to the House-passed version of H.R. 820.

Mr. Speaker, these extensive non-germane Senate amendments have already complicated the task of the conference committee by requiring the appointment of members of 10 other House committee on the conference.

Now we are further being asked to direct the House conferees to agree to a non-germane Senate amendment that has not been considered by the House committee with jurisdiction nor debated on the floor of the House.

Mr. Speaker, the intent of this motion to instruct is to endrun the normal committee process. The Senate amendment is comparable to H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which was introduced by Representative EWING last year. The Judiciary Subcommittee on Administrative Law and Governmental Relations has held hearings, but has not marked up the bill. Supporters of the bill have filed a discharge petition.

We should not cut short the regular procedure for consideration of these bills. The Science Committee has no expertise on the Regulatory Flexibility Act. If Members want the Judiciary Committee to report the bill, Members know how to make their wishes known to the distinguished chairman of that committee, Mr. BROOKS. If Mr. BROOKS does not seem amenable, then a majority of Members have the right to bring the bill to the floor under a discharge petition where we can at least have an intelligent debate on the merits of the bill.

This debate does not belong on this bill. This debate does not belong on a motion to instruct. The effort today to instruct the conferees is yet another effort to bypass orderly committee consideration and to force a floor vote on a provision with an inadequate opportunity for consideration and debate. If this provision was brought to the floor under regular procedures, I would vote for it. Under these circumstances, however, I urge a "no" vote on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in support of the motion to instruct conferees to the House-Senate conference on H.R. 820, the National Competitiveness Act.

Mr. Speaker, I would like to say to the Member who spoke immediately before me that I certainly think this bill does have a great deal to do with competitiveness, and it has been considered by a number of groups, including, I believe, the appropriate subcommittee, and by the group working with Vice President GORE on reinventing Government, because this was the very top issue listed by Vice President GORE under his reinventing Government under the small business section.

The Regulatory Flexibility Act, which became law in 1980, was the result of the efforts of many small businesses throughout this country. The issues of regulatory relief and regulatory flexibility were a dominant theme at the 1980 White House conference on Small Business, and the participants at that conference pushed for legislative action. The Regulatory Flexibility Act was enacted to require agencies to reduce the regulatory burden on small business by writing better rules.

The rationale behind the Regulatory Flexibility Act is really quite simple: First, Federal agencies often do not recognize the impact that their rules will have on small businesses; and second, small businesses are particularly burdened with excessive regulations because they do not have the cadres of lawyers, accountants, and clerks to deal with all of the paperwork. All of this overwhelms the small business man or woman, who has to do this alone, often working late at night after his store or business has closed.

We want to strengthen small businesses and make sure their success is determined in the marketplace and not at the whim of someone drafting regulations in a distant Federal office.

While the Regulatory Flexibility Act and its implementation have met with some success, I strongly believe that the act needs to be strengthened. A major weakness in the law as it presently exists is that there is no enforcement mechanism. Because the Regulatory Flexibility Act is not subject to judicial review, agency compliance has been poor. In fact, many agencies view compliance as strictly voluntary.

In an effort to strengthen the act, over 250 Members of the House have joined in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993.

□ 1410

The primary purpose of H.R. 830 is to repeal the current ban on judicial review of agency compliance with the Regulatory Flexibility Act, and force Federal agencies to seriously consider the impact of new rules on small business.

During Senate consideration of S. 4, an amendment similar to H.R. 830 was unanimously adopted, and under the Senate amendment the Regulatory Flexibility Act would be amended to allow judicial review of agency compliance with the act.

On behalf of this Nation's small businesses, I urge my colleagues to keep the Senate amendment concerning the Regulatory Flexibility Act in this National Competitiveness Act. I strongly urge a yes vote on the motion to instruct.

Mr. BROWN of California. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the chair of the Committee on Science, Space, and Technology for yielding time to me.

Mr. Speaker, I rise in opposition to the Walker motion to instruct conferees on the regulatory flexibility provision of the national competitiveness bill.

Mr. Speaker, this provision would provide judicial review that is currently not available under the Regulatory Flexibility Act. It is not germane to the national competitiveness bill to which we are appointing conferees.

When the House passed H.R. 820, the national competitiveness bill, it was a clean bill that dealt with research, development, and commercialization of generic technologies.

But the other body loaded this bill with non-germane items, including judicial review for regulatory flexibility. The provision was added as an amendment to the Senate version of the bill. We in this House have never acted on it.

Providing judicial review under the Regulatory Flexibility Act would create a whole new layer of bureaucracy that is unnecessary. It would delay the timely implementation of important regulations. It would encourage frivolous litigation to block agencies from promulgating regulations, many of which are designed to protect human health and safety, civil liberties, and the environment.

Mr. Speaker, our current regulatory flexibility process is a good one and helps protect the interests of small businesses and governmental units. The President last year signed an executive order mandating Federal agencies to take into account the burden on them when issuing regulations. And as always, these entities are entitled to the legal protection of the Administrative Procedure Act if a regulation is unfair to them.

It is doubtful that providing judicial review under the Regulatory Flexibility Act would offer any meaningful additional protection to preventing agency abuse. What the provision would do

is to greatly benefit the lawyers. It would open the floodgate to frivolous lawsuits without merit, used mainly to delay regulation.

While no one but the lawyers would benefit, our health, our civil liberties, workers' safety, and the environment could all be victims.

Mr. Speaker, I urge a "no" vote on the motion to instruct conferees.

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I appreciate the opportunity to speak on this.

Mr. Speaker, this motion instructs the House conferees to agree on an amendment which was unanimously adopted by the Senate. The amendment would strengthen the Regulatory Flexibility Act by giving the RFA judicial review. It is based on legislation I introduced, H.R. 830, which has been cosponsored by 252 bipartisan House Members, and is strongly supported by business organizations.

This motion will be considered a key vote in the annual ratings by both the Chamber of Commerce and National Federation of Independent Businesses. In addition, we have received letters of support from the National Association of Towns and Townships and the National Association for the Self Employed, and organizations which have led the charge for improving the Regulatory Flexibility Act.

This bill is called the National Competitiveness Act. I cannot think of anything more important that this Congress can do to increase our competitiveness than to reduce the cost of regulation on small business. We have a chance to do something about over-regulation by passing this amendment.

American businesses, I believe, have expressed to many of us, and in many cases with some bitterness, their frustration about the costs and intrusive nature of unprecedented Government regulation.

The RFA was passed by Congress and signed by President Carter in 1980. It requires regulators to look at the impact new regulations have on small businesses and find ways to minimize these effects. This is common sense. Regulations must be flexible and take into account the ability of small business to comply.

The RFA has not fulfilled its purpose because it contained no real means of enforcement, such as judicial review of agency compliance, which in fact was specifically prohibited. Regulators cannot be taken to court if they ignore the act. As a result, agency compliance has been terrible.

I say it is time to tell the regulators to start looking at what their regulations do to small business. It is time they were required to comply with the RFA. Allowing judicial review will give the act the teeth it needs to enforce compliance with the true intent of the law.

Vice President GORE's National Performance Review studied this issue and they, too, concluded that the only way we can force bureaucrats to start complying with the RFA is to give the act judicial review. In fact, the No. 1 recommendation of the Small Business Administration was to provide judicial review. My colleagues, we can help the Vice President pass another NPR recommendation by supporting the Walker motion to instruct conferees.

For my colleagues who are concerned about unfunded mandates on local government, this proposal addresses that problem too. The RFA also requires that regulators look at the impact their regulations have on small government entities. That is why the National Association of Towns and Townships is so strongly supportive of this motion.

In an aside, Mr. Speaker, it has been mentioned on this floor that this should go through the committee process. With 252 cosponsors, repeated requests for a committee hearing and a committee markup, none has been forthcoming. We all know that the discharge petition process works very slowly and very poorly in this House.

I want to thank each of my colleagues who have cosponsored this legislation, H.R. 830, and ask them to vote for the Walker motion to instruct.

Mr. Speaker, I submit the following material for the RECORD.

NATIONAL ASSOCIATION  
FOR THE SELF-EMPLOYED,  
Washington, DC, July 12, 1994.

Hon. ROBERT S. WALKER,  
U.S. House of Representatives, Washington, DC  
DEAR REPRESENTATIVE WALKER: The National Association for the Self-Employed understands that you will soon offer a motion to instruct the House conferees involving the Regulatory Flexibility Act (RFA) provisions contained in S. 4, the Senate version of the National Competitiveness Act. We strongly support this effort.

By offering your motion to instruct, you are taking a strong step towards mitigating the paperwork burden and nightmare small business persons face in trying to cope with federal regulations. We believe the RFA provisions of S. 4 will lead to an improvement in productivity for small business and in turn, result in an increase in economic growth and job creation for the American work force.

We are committed to achieving the RFA reforms contained in S. 4. Thank you for your efforts on behalf of the small business community.

Sincerely,

BENNIE L. THAYER,  
President/CEO.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, July 12, 1994.

Hon. THOMAS W. EWING,  
U.S. House of Representatives, Washington, DC  
DEAR REPRESENTATIVE EWING: The U.S. Chamber of Commerce Federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad, strongly endorses strengthening the Regulatory Flexibility Act (RFA) by allowing judicial review

of agency compliance. An amendment that would provide for this was adopted by the Senate during its consideration of the National Competitiveness Act.

The House is expected to name conferees on H.R. 820, the National Competitiveness Act, soon. At that time, Representative Walker will likely offer a motion to instruct the House conferees to accept judicial review of the RFA in the conference report. We urge your support of that motion. Since this is likely to be the only opportunity for the House to vote on this issue this year—despite the fact that 252 House members are cosponsors of equivalent legislation—the Chamber will include this vote in its "How They Voted" vote ratings for 1994.

The importance of judicial review cannot be overstated. The original RFA was designed to provide the small business community respite from the ever-growing hindrance of excessive regulation by requiring federal agencies to consider the impact of proposed regulations on small entities. Its intent was to ensure that the least burdensome approach for regulatory implementation was adopted. The lack of judicial review, however, has meant that agencies do not have to answer to any compelling authority. As a result, agencies routinely give the RFA minimal attention, if any at all.

Too often, small businesses have borne the brunt of the cumulative impact of unreasonable and costly federal mandates. Given their importance to our struggling economy, we need to ensure not just their survival but their growth as well. Judicial review as part of the RFA will place us closer to that goal.

Again, we urge your support for the Walker motion to instruct on H.R. 820, the National Competitiveness Act, regarding judicial review for the RFA.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF  
TOWNS AND TOWNSHIPS,  
Washington, DC, July 14, 1994.

Hon. ROBERT S. WALKER,  
U.S. House of Representatives, Washington, DC  
DEAR REPRESENTATIVE WALKER: The National Association of Towns and Townships (NATaT) represents 13,000 mostly small, mostly rural communities across the U.S. which must comply with and implement numerous unfunded federal mandates. In this period of fiscal austerity, which only allows for limited funding for local governments, alternatives are needed to improve the federal government's ability to consider the impact of federal policies on our communities.

In 1980, Congress passed the Regulatory Flexibility Act (RFA) and took the first step in addressing the "one-size-fits-all" approach used by federal agencies to develop regulations. The RFA requires all federal agencies to conduct analyses of proposed regulations that are expected to have an impact on small entities—including small local governments and businesses—and attempt to reduce the burdens of those regulations. Accordingly, the act requires agencies to consider alternatives to the proposed regulations that will accomplish the agencies' objectives, while minimizing the impact on small entities.

Agency compliance with the RFA has not been uniform, primarily because the act lacks an enforcement mechanism. In our view, allowing judicial review of the RFA would ensure that federal regulators comply with the act. As a result, NATaT strongly supports your motion to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, to agree to a provision that would allow judicial review of the RFA.



NATAT applauds your attention to this important issue. Allowing judicial review of the RFA is essential to ensure that small governments begin to benefit from more rational federal regulations.

Sincerely,

JEFFREY H. SCHIFF,  
Executive Director.

THE REGULATORY FLEXIBILITY ACT AND JUDICIAL REVIEW—SUPPORT THE MOTION TO INSTRUCT CONFEREES TO THE NATIONAL COMPETITIVENESS ACT

Soon the House will consider a motion to instruct conferees on the National Competitiveness Act to strengthen the Small Business Regulatory Flexibility Act. In preparation for this vote, it is important to understand why the Regulatory Flexibility Act is not currently protecting small business from regulatory burdens as was originally intended when it was enacted in 1980.

The burden of regulation and paperwork is one of the fastest rising areas of concern to small business owners, according to an extensive survey by the NFIB Education Foundation. Outside of taxes and health care, no issue is more on their minds.

Regulatory costs per unit of production are higher for small business than for big business. There are economies of scale regarding regulatory compliance. Simply put, small business often cannot afford Federal regulations because their limited resources to comply have not been taken into account during the rule making process. Signed into law by President Carter, the Reg-Flex-Act requires Federal agencies to assess the impact of their proposals on small businesses and to minimize the economic impact, if significant.

#### WHY HAS THE REG-FLEX ACT BEEN INEFFECTIVE?

Federal agencies have ignored the Reg-Flex Act. Some agencies, like the IRS, have exploited loopholes in the law. Why? The Reg-Flex Act has no teeth.

However, with a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court.

#### WHY DOES SMALL BUSINESS NEED JUDICIAL REVIEW?

The Clinton Administration's Chief Counsel for Advocacy at SBA said it best at his confirmation hearing:

"The implementation of the noble goals of the Regulatory Flexibility Act have been impeded by government officials who recognized that the Act is not judicially enforceable and therefore has no teeth; . . . You will have my enthusiastic and consistent support for judicial review in the Regulatory Flexibility Act."

The Administrative Procedure Act, the National Environmental Policy Act and the Freedom of Information Act, for example, are effective because they are contestable in court. Section 611 of the current Reg-Flex Act contains a specific prohibition on judicial review.

Judicial review will:

Change agency compliance with the Reg-Flex Act from voluntary to second nature.

Ensure agencies consider the impact of proposed regulations on small business and act accordingly.

Make the Reg-Flex Act more effective for small business and true to its original intent.

Vice President Al Gore and SBA Administrator Erskin Bowles have recognized the weakness of the Reg-Flex Act and support

strengthening it. The Senate overwhelmingly approved judicial review in the "National Competitiveness Act" (S. 4) and there are over 240 cosponsors of Cong. Ewing's judicial review legislation in the House of Representatives.

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 18, 1994.

THOSE WHO SUPPORT THIS NATION'S SMALL BUSINESSES SHOULD SUPPORT WALKER MOTION TO INSTRUCT ON NATIONAL COMPETITIVENESS ACT

DEAR COLLEAGUE: We are writing to encourage you to support a motion which will be offered tomorrow by Rep. Walker to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, concerning amendments to the Regulatory Flexibility Act.

The Regulatory Flexibility Act (RFA) became law in 1980. It requires federal regulatory agencies to analyze the potential impact of proposed regulations on small businesses and small governmental entities and find ways to minimize that impact. However, because the RFA is not subject to judicial review, agency compliance with the Act has been poor.

Over 250 House members have joined us in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which would allow judicial review of the RFA and put some needed "teeth" into this important Act.

During Senate consideration of S. 4, an amendment which provides for judicial review for the RFA was unanimously adopted. We are hopeful that language providing for judicial review will remain in the National Competitiveness Act.

We strongly urge all cosponsors of H.R. 830 to support Rep. Walker's motion to instruct House conferees to agree to provide for judicial review of the RFA.

Sincerely,

THOMAS W. EWING,  
Member of Congress.

JAN MEYERS,  
Ranking Member,  
Committee on Small  
Business.

JOHN J. LAFALCE,  
Chairman, Committee  
on Small Business.

IKE SKELTON,  
Member of Congress.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of the Walker motion to instruct the House conferees to accept the Senate language included in H.R. 820 that allows regulatory flexibility to America's small businesses.

Everyday I see how new Government regulations are breaking the back of America's small businesses. Countless individuals have come before the Small Business and the Science, Space, and Technology Committees to explain the devastating effects that these regulations have on them. And, whenever I go home to Dallas I am constantly asked when will Government allow hard-working Americans to pursue the dreams without having to worry about what roadblocks their Government will put up next.

I want to remind Members how important small businesses are to America's economy. These businesses provide over 80 percent of America's work force. But, because the Government insists on intervening and imposing costly and burdensome regulations they put these businesses at risk of failing and therefore eliminating jobs for Americans.

This is why I support the Walker motion to instruct conferees. What we want to do with this is simply protect the backbone of our economy which is vital to America's future. The motion to instruct simply enforces a previous law and gives it an enforcement mechanism. The easiest way to explain this provision is that it would minimize the impact of regulations that disproportionately affect small businesses.

Congress by adopting this provision, would require Federal agencies to study the impact of the regulations they enforce and to minimize the impact they have on small businesses. Its most important provision is judicial review. It is time to force regulatory agencies to be held accountable for the regulations they implement on small businesses. Even the Vice President's National Performance Review concludes that judicial review is necessary.

And if Members need more reassurance they should ask the NFIB, who represent over 600,000 small businesses. They strongly support this measure and then they can ask the 252 Members that have signed on to a bill that accomplishes this same goal.

Let us give small businesses and their owners a break from the heavy hand of the Government. Let's for once do something to help the economy grow instead of doing something to stifle it. Vote for the Walker motion to instruct conferees.

□ 1420

Mr. BROWN of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

I do rise to support the motion of the gentleman from Pennsylvania. I have a rather lengthy history with involvement with the Regulatory Flexibility Act. I served as chairman of a House subcommittee that dealt with that quite some years ago. Let me go through this, if I may.

On September 19, 1980, the Regulatory Flexibility Act was signed into law. Its passage was the result of 3 years of work by the subcommittee that I chaired and this Congress.

Importantly, it culminated in a decade of efforts by thousands of concerned businessmen and women across our country. They rebelled against a volcano of seemingly senseless, ill-conceived regulations that threatened to

bury every one but was particularly harsh for small businesses.

The tool that was forged was the RFA, the Regulatory Flexibility Act, a new chapter to the Administrative Procedures Act, requiring the bureaucrats to think about the effects of their actions, consider simple alternatives and include the interested public in on the process.

The bill that is really the subject of this was introduced by the gentleman from Illinois [Mr. EWING], H.R. 830, which would establish a judicial review process. I think that if we are going to fulfill the full intent of the Regulatory Flexibility Act, we need that additional tool to do so, to require people to, in the bureaucracies, to know and explain and work out the effects of what they do in regard to small businesses.

I would help us; in the long run, it would help them. The Regulatory Flexibility Act is an important weapon in our efforts to reduce or eliminate unnecessary regulations, unnecessary paperwork, which, frankly, in so many instances, cripples small businesses.

When it is operated properly, it makes sure that the small town businessman, business woman that I represent is sought out and asked their opinion on Government proposals that will influence his or her life.

I think this motion is a proper one. I would hope that it would pass. The fact that this parallel bill by the gentleman from Illinois [Mr. EWING], has so many cosponsors tells us all that we are on the right track. I hope that this will pass. I intend to vote for the motion.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no one in this House or the other body who is not in favor of relieving the burden on small business. I have served here under eight past Presidents. I think now. And every one of them would make marvelous speeches about how important it was to support small business and to relieve them from unnecessary burdens of Federal or other regulation.

The act which the gentleman from Missouri [Mr. SKELTON], is the proud author of, the original Regulatory Flexibility Act, was passed during the administration of President Carter, a Democratic President. And President Carter also issued an Executive order which attempted to set forth guidance to the Federal departments as to how they would go about implementing this act and relieving the burden on small business.

I would point out that President Reagan, when he was elected shortly after this act was passed, rescinded the Carter Executive order and issued his own Executive order, making even more explicit how we should relieve the burden on small business under the terms of the Regulatory Flexibility

Act. And when President Clinton was elected, he rescinded the Reagan order and issued his own Executive order explaining to the Federal departments how they should do even more to lessen the burden on small business as a result of Federal regulation.

I cannot understand for the life of me, after all these years in which we have had on the books both the statute and a series of Executive orders, that we still have the kind of problem that we have here. If we have a problem, it seems to me that we in the Congress perhaps should take some blame for failing to exercise the kind of oversight which would see that the law and the Executive orders are faithfully executed.

Now we are going to punt. We are going to say, no, we should not take it. We think the courts ought to take it.

I find a great deal of difficulty in accepting the fact that we are going to simplify the processes of Government by allowing for unlimited court appeals of Federal regulations. I think what we are going to simplify is the income problem of a lot of lawyers who are going to make a lot of money from pursuing these kinds of acts.

But I have a great deal of difficulty in seeing how we are going to solve the problem of lowering the burden on small business by the process of including in an existing law, which has been on the books now for how many years, 14 years, a provision that now they can go to court in order to challenge the Federal regulations that have been adopted.

What is equally interesting to me is that in the course of a number of bills that are moving forward in the House today, which have regulatory implications, we are finding a concerted move to add to those the text, in essence, of the existing executive order.

Now, there is, genuinely speaking, a good reason why we do not write into law the text of an executive order. Mainly, the fact that executive orders are intended to be flexible. They are intended to provide guidance, but they are not intended to constitute a basis under which we can bring suit to the Federal courts, if we do not like the results of what is happening.

□ 1430

Mr. Speaker, this is a rather important both philosophical and practical issue. As I said before, I do not disagree with the need to reform the burden on small business. I have personally pledged in my district to any small business, if they are having regulatory problems, come to me and in my wisdom I will help them solve them, generally by raising a lot of hell with some bureaucrats who did not properly reflect the intent of Congress when they issued a regulation or when they sought to fulfill the intent of that regulation.

Mr. Speaker, I am raising serious questions as to the effectiveness of a process, the purpose of which I agree with. I think the gentleman from Pennsylvania [Mr. WALKER] knows that I agree with this purpose. I would be differing with every Democratic President, as well as every Republican President, if I said I wanted to increase the burden on small business. I do not.

Mr. Speaker, with those words of wisdom, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman makes some very, very valid points. They are ones that I think deserve to be addressed.

First of all, Mr. Speaker, he makes the point, as he did earlier, that this is not something which should be in the purview of this particular bill at this particular time, and that we ought to address it through the regulatory processes of the Congress. The problem is that the gentleman from Illinois [Mr. EWING] and the gentlewoman from Kansas [Mrs. MEYERS], in pursuing this, have attempted to do this and have always been rebuffed, and always found that there was something else of higher priority for the Congress to take up. Therefore, the regular mechanisms have not worked for this bill, which is in fact supported broadly in the House of Representatives.

Mr. Speaker, second, it is suggested that somehow this is not a place where small business is really involved, and it is a Committee on Science, Space, and Technology kind of a bill. I would suggest that small business is the competitive sector of our society at this time. I know that the gentleman from California [Mr. BROWN] does share that concern, and has always been very, very solicitous toward small business concerns.

Mr. Speaker, I know that all of us try to work with our small businesses on this regulatory overload that the Federal Government has imposed upon that sector. Mr. Speaker, perhaps it is in a competitiveness bill where we ought to begin to address the real concerns they have out there. There is no doubt that this particular bill, about competitiveness, is one where, if we have a chance to help small business a little bit, we ought to go ahead and do so.

Finally, Mr. Speaker, it has been suggested that this is a lawyer's bill, that what we are going to do here is going to end up giving lawyers more work. I would simply say to that that the problem for small business right now is that we have created a whole web of Federal regulation that is employing lawyers by the hundreds of thousands across the country; that the agencies have the ability to constantly go after business with the lawyers that are



hired by the Government, and that small business in many instances is a victim. All this will do is give the victim some recourse within the process.

Mr. Speaker, I think that rather than victimizing small business without recourse, that it is high time that in this country we give them the appropriate recourse that is provided to them by the courts. Mr. Speaker, I would like to think, too, that congressional oversight would take care of this problem, but the fact is we have gone 14 years now with this bill on the books and congressional oversight has not taken care of the problem. Businesses find themselves more and more burdened by Government regulation, and more and more the heavy hand of Government is causing uncompetitiveness in our society, and it is high time we changed that.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I had not intended to make this an opportunity for dialog, but since that is becoming the style, I am more than happy to do that.

What really bothers me, Mr. Speaker, is that this legislation and this motion to instruct are both based upon purposes and intentions which I fully support. However, Mr. Speaker, I am reminded of the old adage that the road to hell is paved with good intentions, and I am very worried that the good intentions will not be fulfilled, just as the good intentions of the gentleman from Missouri [Mr. SKELTON] in drafting the original bill were not fulfilled.

Mr. Speaker, I want to make sure that that does not happen. What I foresee here with this provision, which offers judicial review of any regulatory action, is that the gentleman would find the antienvironmentalists, and this is what the environmentalists fear, offering a lawsuit to delay, modify, or prevent the kind of regulation that the environmentalists would fear is destroying the progress they have made.

On the other hand, Mr. Speaker, I can foresee environmentalists doing exactly the same thing. If a regulation comes forth from the administration, from the agency seeking to relieve the efforts, the regulatory efforts of that agency, the burden of those efforts on the small business community, and they would sue, and the gentleman would find on both sides suits going forward aimed at crippling and hobbling the efforts, good or bad, of the regulatory agency.

If the gentleman thinks this is an improvement, I do not think that the gentleman is going to be very happy with the potential results of this, Mr. Speaker.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am pleased to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I think, quite contrary to what our friend, the gentleman from California [Mr. BROWN], says may well come to pass, the regulatory agencies that promulgate rules and regulations, which now do not have to worry at all about judicial review or any kind of review, would be prone to think twice before they promulgate something that does not make sense. It will cause them to do their homework more and to do their homework better.

As a result, Mr. Speaker, I think the gentleman would have more substantial, easy to understand, and more workable rules and regulations, where the agency knows full well that should they do something foolish or out of line, it is certainly going to be taken up on a judicial review. I think the contrary would happen.

Mr. EWING. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am pleased to yield to the gentleman from Illinois.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think the important point that we do not want to miss here is the judicial review is very limited, and it has nothing to do with the substance of the power of the regulators to regulate. It is only judicial review of whether they have tried to do it in an economical, fair way. That is what the complaint is out there. I do not think any of us have enough staff in our offices at home to handle all of the complaints on that type of competitive regulatory power.

Mr. BROWN of California. Mr. Speaker, if the gentleman will continue to yield, this point could be deliberated at great length. We have, as the gentleman from Pennsylvania [Mr. WALKER] knows, a bill which we will mark up in our committee tomorrow which is aimed at improving the process of risk assessment. As all of the Members know who have been in this field of regulatory impact, the measurement of regulatory impact requires both an evaluation of the risk which is sought to be met by the regulation, plus an evaluation of the cost of the efforts involved to mitigate that risk, a cost-benefit analysis. None of these are exact sciences. We would not be trying to move a risk analysis bill if anyone knew exactly how to make risk analysis.

The fact is, Mr. Speaker, the scientific community does not, the policy community does not, the lay community does not, nor do we know how to make adequate cost-benefit evaluations, and even less do we know how to do this magic thing called comparative risk analysis, in which we compare the dangers of smoking a cigarette

with driving a car. None of these are exact sciences.

What the Congress needs to do, and I will close with this sermon, we need to improve these processes of making these evaluation so enlightened policy-makers can do what the gentleman from Missouri [Mr. SKELTON] hoped they would do in 1980, and which he again hopes they will do in 1994 if we pass this slight amendment to the bill he originally offered.

□ 1440

I suggest to the gentleman from Missouri [Mr. SKELTON], and to anybody else who is listening, that this is a futile hope until we get under better control the processes which go into this and to which I hope we will be able to make a contribution.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement. I could not agree with him more that we need to improve the processes by which we make these judgments.

On the other hand, in the meantime, small business in this country needs some element of fairness within the process that presently exists. That is what this motion to instruct is all about, being fair to small business within the process now so that they have some recourse against the burden of regulation that has been imposed upon them by the Federal Government.

Mr. QUINN. Mr. Speaker, I rise today to urge my colleagues to support the motion to instruct on H.R. 820, the National Competitive-ness Act.

This motion will instruct House conferees to agree to a provision that the Senate unanimously adopted which would allow judicial review of agency compliance with H.R. 820. The Senate language is similar to that contained in H.R. 830, the Regulatory Flexibility Amendments Act, of which I am a cosponsor.

Small business is the backbone of our country's economy. Over the next 25 years, the United States will create about 43 million jobs—small business will create nearly 75 percent of these jobs. While this outlook is positive, small business owners have some very real and very serious concerns—Government regulation among them.

The regulatory burden on businesses can be crippling—particularly on small businesses. Like the Regulatory Flexibility Act, the Senate provision would require Government regulatory agencies to consider the impact of any new regulations and draft these rules so that they will be the least burdensome.

Mr. Speaker, I would like to call on the support of my colleagues for the motion to instruct. Freedom from the burden of too much Government regulation is crucial to America's competitiveness.

Mr. FORD of Michigan. Mr. Speaker, I rise in opposition to the motion to instruct conferees. The Senate amendment to H.R. 820—which would mandate judicial review of regulatory flexibility analysis—has not been reported by the appropriate committees of the House of Representatives. It is premature for the House to agree to such provisions.

I suspect that the purpose of seeking judicial review of regulatory flexibility analysis is not to improve the regulatory process, but to give the business community greater opportunity to obstruct and delay regulations designed to benefit workers, consumers, or the environment. In the Reagan-Bush administrations, OMB was assigned the task of improving the regulatory process, but we learned that their main goal was to thwart worker protection, consumer, environmental, and health and safety regulations designed to protect the public. Expanding judicial review of regulatory flexibility analysis will have the same effect.

Would judicial review improve the Department of Labor's evaluation of the costs of its regulations? I doubt it. The Department already prepares extensive economic analyses of the regulations it proposes. Under the Occupational Safety and Health Act and the Mine Safety and Health Act, the Department must evaluate the economic feasibility of its regulations on each affected industry. If an industry cannot afford the costs of the regulation, it cannot be issued. I do not believe that additional analysis or judicial review of the analysis would provide regulations that better protect workers, consumers, or the environment.

I believe, instead, expanded judicial review would have an adverse effect on the ability of the Department of Labor to do its job. Will expanded judicial review make it more difficult for the Labor Department to achieve the goals of ERISA, the Fair Labor Standards Act, or the Occupational Safety and Health Act? I suspect it will and that the proponents of expanded judicial review hope that such review will create new obstacles for regulatory agencies. Will judicial review affect the time it takes the Labor Department to promulgate regulations or the resources the Department needs to do its job? I fear that expanding judicial review of regulatory flexibility analysis will prevent the Department of Labor from adopting much needed worker protection and health and safety regulations in a timely manner.

Therefore, I oppose the motion to instruct conferees. Expanded judicial review of regulatory flexibility analysis is a bad idea. It will create more litigation. It will make it more difficult for agencies to fulfill their statutory responsibilities. The relevant committees of the House have not reported legislation authorizing such review. Without adequate committee consideration of the impact of expanded judicial review, it is premature for the House to agree to such provisions. I urge my colleagues to oppose the motion to instruct.

Mrs. MORELLA. Mr. Speaker, I rise in support of the motion to instruct the House conferees to agree to the Senate amendment allowing judicial review of agency compliance with the Regulatory Flexibility Act [RFA].

As legislators, sometimes we overlook the consequences of our actions. While one regulation will not break a small business, the total weight of the regulatory burdens that we, in Congress, impose on small businesses can close businesses that are essential to our economic recovery and prosperity.

In 1980, Congress passed the Regulatory Flexibility Act [RFA]. This is a good piece of legislation that requires agencies to take a look at the burden that each proposed rule places on small firms. It also requires each

Federal agency to develop a less onerous compliance system for small firms. Further, under the RFA, each agency is required to review their regulations every 10 years to see if they are still needed or if they should be changed.

While the Regulatory Flexibility Act has been somewhat successful, it also has some weaknesses that need to be corrected. The problem is that the act has no teeth. Agencies can choose to ignore it and the Small Business Administration seems powerless to enforce it. Congress needs to clamp down and require compliance with this act, and it needs to add some teeth to it by adding a judicial review process for agencies that fail to comply with the act.

With a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court. Judicial review would ensure that agencies consider the impact of proposed regulations on small business and make changes accordingly. Judicial review makes this act more effective for small business and more true to its original intent.

Mr. Speaker, both Vice President AL GORE and SBA Administrator Erskine Bowles have recognized the weaknesses of the Regulatory Flexibility Act and support strengthening it. The Senate overwhelmingly approved judicial review in the National Competitiveness Act, and there are more than 240 cosponsors of Congressman EWING's judicial review legislation in the House.

I urge my colleagues to support Mr. WALKER's motion to instruct conferees to concur with Senate language which amends the Regulatory Flexibility Act.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 36, not voting 18, as follows:

[Roll No. 331]

YEAS—380

Ackerman  
Allard  
Andrews (ME)  
Andrews (NJ)  
Andrews (TX)  
Applegate  
Archer  
Armey  
Bacchus (FL)

Bachus (AL)  
Baesler  
Baker (CA)  
Baker (LA)  
Ballenger  
Barca  
Barcia  
Barlow  
Barrett (NE)

Barrett (WI)  
Bartlett  
Barton  
Bateman  
Bentley  
Bereuter  
Bevill  
Billbray  
Billrakis

Blackwell  
Bliley  
Blute  
Boehert  
Boehner  
Bonilla  
Bonior  
Borski  
Boucher  
Brooks  
Browder  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burton  
Buyer  
Byrne  
Callahan  
Camp  
Canady  
Cantwell  
Cardin  
Castle  
Chapman  
Clayton  
Clement  
Clinger  
Clyburn  
Coble  
Coleman  
Collins (GA)  
Combest  
Condit  
Conyers  
Cooper  
Coppersmith  
Costello  
Cramer  
Crane  
Crapo  
Cunningham  
Danner  
Darden  
Deutsch  
de la Garza  
Deal  
DeFazio  
DeLauro  
DeLay  
Derrick  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dixon  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards (TX)  
Ehlers  
Emerson  
Engel  
English  
Evans  
Everett  
Ewing  
Farr  
Fawell  
Fazio  
Fields (LA)  
Fields (TX)  
Filner  
Fingerhut  
Fish  
Flake  
Ford (MI)  
Fowler  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frost  
Furse  
Gallegly  
Gelderson  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrest  
Gillmor  
Gillman  
Glickman  
Gonzalez

Goodlatte  
Goodling  
Gordon  
Goss  
Grams  
Grandy  
Green  
Greenwood  
Gunderson  
Hall (OH)  
Hall (TX)  
Hamburg  
Hamilton  
Hancock  
Hansen  
Harman  
Hastert  
Hastings  
Hayes  
Hefley  
Hefner  
Herger  
Hilliard  
Hinchey  
Hoagland  
Hobson  
Hochbrueckner  
Hoekstra  
Hoke  
Holden  
Horn  
Houghton  
Hoyer  
Huffington  
Hughes  
Hunter  
Hutchinson  
Hutto  
Hyde  
Inglis  
Inhofe  
Inslee  
Istook  
Jacobs  
Johnson (CT)  
Johnson (GA)  
Johnson (SD)  
Johnson, Sam  
Johnston  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Kim  
King  
Kingston  
Kleczka  
Klein  
Klink  
Klug  
Knollenberg  
Kolbe  
Kreidler  
Kyl  
LaFalce  
Lambert  
Lancaster  
Lantos  
LaRocco  
Laughlin  
Lazio  
Leach  
Lehman  
Levin  
Levy  
Lewis (CA)  
Lewis (FL)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
Lloyd  
Long  
Lowey  
Lucas  
Maloney  
Mann  
Manton  
Manzullo  
Margolies  
Mezvinsky  
Markey

Martinez  
Matsui  
Mazzoli  
McCandless  
Goss  
McCloskey  
McCollum  
McCrery  
McCurdy  
McDade  
McHale  
McHugh  
McInnis  
McKeon  
McKinney  
McMillan  
McNulty  
Meehan  
Meek  
Menendez  
Meyers  
Mfume  
Mica  
Michel  
Miller (FL)  
Minge  
Moakley  
Mollinari  
Mollohan  
Montgomery  
Moorhead  
Moran  
Morella  
Murphy  
Murtha  
Myers  
Neal (MA)  
Neal (NC)  
Nussle  
Oliver  
Ortiz  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (VA)  
Penny  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pickle  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quillen  
Quinn  
Rahall  
Ramstad  
Ravenel  
Reed  
Regula  
Reynolds  
Ridge  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Royce  
Rush  
Sanders  
Sangmeister  
Santorum  
Sarpalilus  
Sawyer  
Saxton  
Schaefer  
Schenk  
Schiff  
Schumer  
Scott  
Sensenbrenner  
Serrano  
Sharp  
Shaw



Shays	Stupak	Upton
Shepherd	Sundquist	Valentine
Shuster	Swett	Visclosky
Sisisky	Swift	Volkmer
Skaggs	Talent	Vucanovich
Skeen	Tanner	Walker
Skelton	Tauzin	Walsh
Slaughter	Taylor (MS)	Waxman
Smith (IA)	Taylor (NC)	Weldon
Smith (MI)	Tejeda	Wheat
Smith (NJ)	Thomas (CA)	Whitten
Smith (OR)	Thomas (WY)	Williams
Smith (TX)	Thompson	Wilson
Snowe	Thornton	Wise
Solomon	Thurman	Wolf
Spence	Torkildsen	Woolsey
Spratt	Torres	Wyden
Stearns	Torricelli	Wynn
Stenholm	Towns	Young (AK)
Strickland	Trafficant	Young (FL)
Studds	Tucker	Zeliff
Stamp	Unsoeld	Zimmer

## NAYS—36

Abercrombie	Foglietta	Payne (NJ)
Becerra	Gutierrez	Pelosi
Bellenson	Jefferson	Roybal-Allard
Brown (CA)	Johnson, E.B.	Sabo
Clay	Kopetski	Schroeder
Collins (IL)	McDermott	Stark
Collins (MI)	Miller (CA)	Synar
Coyne	Mineta	Velazquez
Dellums	Mink	Vento
Dingell	Nadler	Waters
Durbin	Oberstar	Watt
Eshoo	Obey	Yates

## NOT VOTING—18

Berman	Edwards (CA)	Rangel
Bishop	Ford (TN)	Richardson
Brewster	Gallo	Ros-Lehtinen
Calvert	Gingrich	Slattery
Carr	Machtley	Stokes
Cox	Owens	Washington

□ 1503

Ms. PELOSI and Mr. BECERRA changed their vote from "yea" to "nay."

Messrs. HINCHEY, MINGE, FARR of California, and MATSUI changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SERRANO). Without objection, the Chair appoints the following conferees and expects to appoint additional conferees shortly:

From the Committee on Science, Space, and Technology for consideration of the House bill (except sections 211-14 and 504), and the Senate amendment (except title XI, sections 221, 303(d), 504, and 601-13), and modifications committed to conference: Messrs. BROWN of California, VALENTINE, ROEMER, McHALE, BECERRA, WALKER, LEWIS of Florida, and ROHRBACHER.

From the Committee on Science, Space, and Technology for consideration of sections 211-14 and 504 of the House bill, and sections 221, 303(d), 504, and 601-13 of the Senate amendment, and modifications committed to conference: Messrs. BROWN of California, VALENTINE, and BOUCHER, Ms. ESHOO, and Messrs. BECERRA, WALKER, BOEHLERT, and BARTLETT of Maryland.

From the Committee on Science, Space, and Technology for consider-

ation of title XI of the Senate amendment, and modifications committed to conference: Messrs. BROWN of California, VALENTINE, ROEMER, McHALE, BECERRA, KLEIN, BOUCHER, WALKER, LINDER, HOKE, and BAKER of California.

As additional conferees from the Committee on Banking, Finance and Urban Affairs for consideration of sections 331-37, 341-61, 503(a) (4) and (5), 503(b) (5) and (6) of the House bill, and sections 216, 306-07, the second 503(4), 1002, 1004, 1011, and title XI of the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, KANJORSKI, and RIDGE.

As additional conferees from the Committee on Education and Labor for consideration of sections 346 and 407 of the House bill, and title XI, section 211-12 insofar as said sections relate to work force training and labor, 410, 604, 607-13, 1201-02, 1302 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, WILLIAMS, and GOODLING.

As additional conferees from the Committee on Government Operations for consideration of title XI and section 1301 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, TOWNS, and CLINGER.

As additional conferees from the Committee on the Judiciary for consideration of that portion of section 205 adding section 304(g) to the Stevenson-Wylder Technology Innovation Act of 1980, and section 361 of the House bill, and title IX, sections 307, that portion of section 603 adding section 101(d) to the High-Performance Computing Act of 1991, 1005-09, 1011-13, and 1303 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SYNAR, and FISH.

As additional conferees from the Committee on Post Office and Civil Service for consideration of title VIII and section 1010 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Miss COLLINS of Michigan, and Mr. MYERS of Indiana.

As additional conferees from the Permanent Select Committee on Intelligence for consideration of title X and section 307 of the Senate amendment, and modifications committed to conference: Messrs. GLICKMAN, RICHARDSON, and COMBEST.

As additional conferees from the Committee on Rules for consideration of section 1301 of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, and GOSS.

As additional conferees from the Committee on Small Business for consideration of that portion of section 204 of the House bill which adds a new section 303(c)(1) to the Stevenson Wylder Technology Innovation Act of 1980, and for the portion of section 212 which adds a new section 24(c)(1) to the National Institute of Standards and Tech-

nology Act and section 306 of the Senate amendment, and modifications committed to conference: Mr. LAFALCE, SMITH of Iowa, and Mrs. MEYERS of Kansas.

There was no objection.

# ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. HOAGLAND. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on tomorrow, July 20, I will offer the following motion to instruct House conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. HOAGLAND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) be instructed to meet promptly on all issues committed to conference with the managers on the part of the Senate.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 468

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are

waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before its consideration. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1510

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from California [Mr. BEILENSEN] is recognized for 1 hour.

Mr. BEILENSEN. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 468 is the rule providing for the consideration of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995.

Mr. Speaker, this is an open rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

For the purpose of amendment, the rule makes in order the Intelligence Committee amendment in the nature of a substitute now printed in the bill as an original bill.

Under the rule, the bill shall be considered by title, with each title considered as read.

Clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, is waived against the committee substitute. The chairman of the Intelligence Committee requested this waiver for sections 601 (a) and (b) and 806(a), which give authority for the use of appropriated funds for purposes different than those for which they were appropriated and therefore may constitute a technical violation of the rule mentioned above.

In addition, the rule waives clause 7 of rule XVI, which prohibits non-germane amendments, against the committee substitute. The chairman of the committee requested this waiver of a point of order that might arise because the bill as introduced was narrow in focus and the amendment in the nature of a substitute is broader.

Mr. Speaker, the rule makes in order only those amendments printed in the CONGRESSIONAL RECORD prior to the consideration of the bill. The chairman of the Intelligence Committee based

his request for this notification requirement on the need to recognize the sensitivity surrounding the components of the intelligence budget.

He testified that advance notification of amendments would give the committee a chance to help protect the security of sensitive information that could be affected by amendments modifying the authorization levels in the bill.

He asked also that the debate on such amendments be carefully structured to minimize the risk that classified information will be inadvertently disclosed, and testified that directing the debate away from classified matters can best be accomplished by an advance notification requirement.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4299, the bill for which this rule provides reconsideration, authorizes funds for all the intelligence and intelligence-related activities of the United States for the coming fiscal year. It also provides legislative authorities for the conduct of U.S. intelligence activities which are regularly found in an intelligence authorization bill.

The authorization levels in the bill are classified, but are available for review by Members. The amount authorized is 2.2 percent less than the President's budget request, but approximately 2.6 percent more than last year's appropriated level.

The bill contains several important provisions, some of which are in response to the Ames espionage case which caused so much concern to all of us who are interested in the successful operation of the CIA.

The bill also recognizes the necessity for the entire intelligence community to adjust to the post-cold war era. It is obvious that the intelligence agencies need to reexamine their overall roles and missions in that world and the committee has given the agencies guidance in this respect.

Mr. Speaker, the 1980's were a period of substantial growth in the budgets and personnel rolls of U.S. intelligence agencies. That growth was felt to be necessary to counter the national security threat posed by the Soviet Union.

With the collapse of the Soviet Union and the end of the cold war, the primary focus of intelligence activities and the principal justification for the intelligence resource levels of the 1980's was eliminated. The intelligence community has been struggling since that time to define its mission and to properly size itself for the future.

In the last three authorization bills, the Intelligence Committee has attempted to make the intelligence budget reflect the reality of a world significantly changed from a national security standpoint, while ensuring that the United States maintains its ability to provide timely and reliable intel-

ligence to its policymakers and military commanders. That approach is continued in this year's bill.

The committee is bringing the intelligence budget down, but in a measured way which preserves essential capabilities and encourages investment in the collection and processing systems which will be needed in the future. Personnel rolls are being trimmed as well and, as a result of actions mandated by Congress 2 years ago, by the end of fiscal year 1997, employment levels will be at least 17.5 percent less than they were in fiscal year 1992.

Despite the demise of the Soviet Union, the world clearly remains an unpredictable and dangerous place. There is need for effective intelligence, especially in light of the world-wide reduction of U.S. military personnel. That need, however, does not have to be met by an intelligence community of the size and orientation of its cold war predecessor.

The committee's bill continues to provide encouragement for intelligence agencies to review their operations, discarding those which are no longer necessary, while retaining those which remain important. Intelligence support to the military commander is emphasized. Special attention is placed as well on providing sufficient resources to respond to intelligence challenges on issues such as terrorism and the proliferation of weapons of mass destruction.

Spending throughout the national security establishment has been reduced in recent years, and intelligence has been no exception. This was inevitable given the significant changes which have occurred in the world. It is the Intelligence Committee's judgment that neither the reductions made in past years, nor those contained in this year's bill, will hinder the ability of the intelligence agencies to respond to essential intelligence requirements.

Mr. Speaker, the Committee on Rules believes this is a good, a fair rule, and I urge my colleagues to approve it so that we may proceed with consideration of this important bill today.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is remarkable, I think, having listened closely to my colleague from California, how much in agreement we are on this subject. I think that is a very encouraging sign. I think many of the remarks that I am about to make are going to seem very similar to the remarks the gentleman from California has made, and that pleases me because I think we are facing a challenge here.

Obviously, I am pleased to be able to support an open rule. I have no objection to the reasonable requirement included in this rule that amendments offered on the intelligence authorization be preprinted in the RECORD. I do not feel that way about preprinting for



other bills, but intelligence is a little special because of its sensitivity and confidentiality and the need to not have surprises here on the floor. I think that is an entirely reasonable request and a legitimate one, given the importance of protecting classified information.

I very much doubt if any Member is going to mind the extra review of amendments to insure that national security is not compromised in the process of this bill. I think we all understand that the national security is very significant for us and, unfortunately, we have had incidents where it has been compromised in the past.

The rule also waives certain points of order against the committee substitute, supported by the chairman, Mr. GLICKMAN, and our ranking member, Mr. COMBEST.

Given the complexity of the subject in front of us, I have no objection to the technical waivers that have been made. I certainly commend the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Texas [Mr. COMBEST] for their work and their interest in having as open a debate as possible without jeopardizing national security. And again, I think the comments by my colleague from California underscore that we have had a good discussion in the Committee on Rules and we have come forward with a good product today to deal with this matter.

I am, however, deeply troubled by the trend that the bill itself perpetuates. For the past several years, resources devoted to intelligence gathering have been cut repeatedly.

□ 1520

The authorization levels in this bill are 16 percent below what they were in 1992, and total intelligence spending has declined by 20 percent since 1990. Looking against the national performance review standards, I understand the cuts are about double what the target was, done on a percentage basis, and the actual dollar amount is a significantly greater cut than was actually necessary or called for.

So, some real sacrifice has been made here, and I am wondering if maybe we have not gone too far. Some people might believe that we no longer have use for intelligence because the Soviet Union is not there anymore as a monolith and because the sweeping changes that have transformed Europe are all good. But, as we know, that simply is not the case. We have in some ways more challenges for good intelligence and for good information for our decisionmakers than we have ever had before. The recent crises in North Korea, Iraq, Bosnia, Haiti, and Somalia probably all underscore the dangers of attempting to navigate the volatile and uncertain waters of global politics without the best possible compass and the most accurate and up-to-date

charts. I do not think we should be fooled by those who say the storm is past and it is all smooth sailing ahead. I do not think anybody really believes that. We have seen what happens when decisionmakers operate without good information delivered in a timely and useful way.

In fact, Mr. Speaker, it was not that long ago that this Nation watched in some puzzlement and embarrassment as the U.S.S. *Harlan County*, loaded with American service people, retreated in haste from the docks of Haiti because a band of thugs were menacing them from the port. Where was the intelligence? Why did we not have better information available to our decisionmakers at the State Department and the Pentagon to make a better policy statement and figure that one out a little bit better?

And what about the potentially deadly game of hide and seek we are still playing with North Korea over the issue of nuclear weapons? Do we really have the necessary resources in place to develop good information about the capabilities and the motivation, the motivation of the North Koreans? Does anybody really understand Kim Jong-Il what he stands for, and where he is going?

What about Africa? Recently we read two articles in the newspaper, the first outlining how the CIA is planning to scale back its operations there by closing 15 stations as a way to absorb budget cuts. Five days later another news article quotes President Clinton decrying the "pretty low" level of understanding Americans have about Africa. So, here we have the left hand reducing our ability to get good human intelligence, good human information in Africa, while the right hand is seeking to improve our understanding of that region. It seems a little curious. No wonder people are confused.

There are some in this Chamber who see no practical use for intelligence at all. Perhaps they have watched too many old cloak and dagger movies; I do not know. Perhaps they do not understand world affairs. But despite the undercurrent of animosity for covert operations and classified information, Mr. Speaker, America should be reminded that we have for decades been the beneficiaries of constant, consistent, accurate information that has made good intelligence. Picture a hidden hand guiding decisionmakers through crucial policy options and helping to avoid potentially deadly and costly mistakes. Of course things do not always go smoothly, and we always read about the problems every time there is a high profile policy mistake or a security breach. Just about everybody hears about it, just as we have all heard about Aldrich Ames and should have heard about Aldrich Ames. There are those clamoring to excoriate our intelligence services as a result, but we

must not give in to that temptation in my view.

Mr. Speaker, we hear about the mistakes and problems. We rarely hear about the averted crises and the success stories for obvious reasons. That is the nature of the intelligence business. Those of us who are charged with oversight responsibility must remember to make a fair judgment about how well the intelligence community is doing, realizing that we are never going to be able to have an even playing field to talk about the successes.

Of course, as one who worked in the intelligence community, I agree wholeheartedly that management reforms are needed. I will say that again. I do believe we need to get at this issue of reform, and I am glad for the resolve of the gentleman from Kansas [Mr. GLICKMAN] in ensuring these matters are addressed, which was supported by the ranking member, the gentleman from Texas [Mr. COMBEST]. In that process I hope we will also make some necessary changes in the classification and declassification process to ensure that the guise of, quote, national security, unquote, is not used in vain, while guaranteeing truly sensitive material is, in fact, not compromised. This is a very difficult balancing act, but it is crucial to ensuring accurate information and the protection of the human component of intelligence gathering. The people who risk their lives to provide this service do not want to risk their lives in vain, and we owe them protection of that information.

Finally, Mr. Speaker, I once again call on my colleagues in the House to take the important step of requiring a secrecy oath for Members of Congress. Members are granted extraordinary access to classified material, very sensitive material I would add, and mountains of it; I hope it is understood that we have a responsibility to protect that information. Repeated, if isolated, leaks of substance from classified briefings to the front pages of morning newspapers suggest, perhaps, that some Members still do not understand our important responsibility in this area. So I will, once again, join the gentleman from Illinois [Mr. HYDE], my friend, in offering an amendment to this bill to require that Members and staff seeking access to classified information sign a pledge that they will, not willfully disclose such material. I know that this will be seen as symbolic by some, but sometimes it is the symbolism that gets the point across, attracts people's attention, and ensures that they do the right thing.

#### OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted <sup>1</sup>	Open rules		Restrictive rules	
		Number	Percent <sup>2</sup>	Number	Percent <sup>3</sup>
95th (1977-78) .....	211	179	85	32	15
96th (1979-80) .....	214	161	75	53	25

## OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.—

Continued

Congress (years)	Total rules granted <sup>1</sup>	Open rules		Restrictive rules	
		Number	Percent <sup>2</sup>	Number	Percent <sup>3</sup>
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66

## OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.—

Continued

Congress (years)	Total rules granted <sup>1</sup>	Open rules		Restrictive rules	
		Number	Percent <sup>2</sup>	Number	Percent <sup>3</sup>
103d (1993-94)	75	17	23	58	77

<sup>1</sup>Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

<sup>2</sup>Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

<sup>3</sup>Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

## OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246-176 A: 259-164, (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171 A: 249-170, (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172 A: 237-178, (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166 A: 249-163, (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d-4; R-9)	8 (D-3; R-5)	PQ: 247-170 A: 247-170, (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8; R-29)	1 (not submitted) (D-1; R-0)	A: 240-185, (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172 A: 251-172, (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-164 A: 247-169, (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168 A: 242-170, (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1; R-7)	3 (D-1; R-2)	A: 212-208, (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote, (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote, (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A: Voice Vote, (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174, (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178 A: 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	6 (D-3; R-3)	PQ: 240-177 A: 226-185, (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote, (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4; R-3)	2 (D-1; R-1)	A: 244-176, (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A: 294-129, (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote, (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-11; R-22)	5 (D-1; R-4)	A: 263-160, (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote, (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote, (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0, (July 30, 1993).
H. Res. 217, July 14, 1993	MC	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164, (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8; R-6)	2 (D-2; R-0)	PQ: 245-178 F: 205-216, (July 22, 1993).
H. Res. 225, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8; R-7)	2 (D-2; R-0)	A: 224-205, (July 27, 1993).
H. Res. 229, July 28, 1993	MC	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote, (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote, (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109; R-40)	NA	A: 246-172, (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MC	H.R. 2401: National defense authorization	12 (D-3; R-9)	1 (D-1; R-0)	PQ: 237-169 A: 234-169, (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	NA	NA	A: 213-191-1, (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization	91 (D-67; R-24)	NA	A: 241-182, (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-188, (Oct. 06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D-0; R-7)	3 (D-0; R-3)	PQ: 240-185 A: 225-195, (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	A: 239-150, (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	NA	NA	A: Voice Vote, (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	PQ: 235-187 F: 149-254, (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7; R-7; I-1)	10 (D-7; R-3)	A: Voice Vote, (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	NA	NA	A: Voice Vote, (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	NA	NA	A: Voice Vote, (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D-0; R-0)	0	A: 252-170, (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	NA	NA	A: Voice Vote, (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	NA	NA	A: 390-8, (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act-1993	2 (D-1; R-1)	NA	A: Voice Vote, (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D-6; R-11)	4 (D-1; R-3)	A: 238-182, (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	NA	NA	A: Voice Vote, (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	NA	NA	NA
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D-8; R-19)	9 (D-1; R-8)	F: 191-227, (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D-9; R-6)	4 (D-1; R-3)	A: 233-192, (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: All Methods Young Offenders	21 (D-7; R-14)	6 (D-3; R-3)	A: 238-179, (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D-1; R-0)	NA	A: 252-172, (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D-6; R-29)	1 (D-0; R-1)	A: 220-207, (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D-15; R-19)	3 (D-3; R-0)	A: 247-183, (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D-8; R-5; I-1)	5 (D-3; R-2)	PQ: 244-168 A: 342-65, (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D-8; R-19)	10 (D-4; R-6)	PQ: 249-174 A: 242-174, (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D-2; R-1)	2 (D-2; R-0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995-99	14 (D-5; R-9)	5 (D-3; R-2)	A: 245-171, (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D-98; R-82)	68 (D-47; R-21)	A: 244-176, (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	NA	NA	A: Voice Vote, (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	NA	NA	A: Voice Vote, (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D-5; R-2)	0 (D-0; R-0)	A: 220-209, (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 4242: EDA Reauthorization	NA	NA	A: Voice Vote, (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	NA	NA	PQ: 245-172 A: 248-165, (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	NA	NA	A: Voice Vote, (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D-1; R-3)	NA	A: Voice Vote, (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D-115; R-58)	NA	A: 369-49, (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995	NA	100 (D-80; R-20)	A: Voice Vote, (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D-10; R-6)	5 (D-5; R-0)	A: Voice Vote, (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D-11; R-28)	8 (D-3; R-5)	PQ: 233-191 A: 244-181, (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D-10; R-33)	12 (D-8; R-4)	A: 249-177, (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	NA	NA	A: 236-177, (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	NA	NA	NA
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	NA	NA	NA
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	NA	NA	NA
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	NA	NA	NA

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN], a

member of the Permanent Select Committee on Intelligence.

Mr. HANSEN. Mr. Speaker, I rise in support of this rule. I want to comment

Chairman GLICKMAN and my colleague, Mr. COMBEST, for their leadership. We worked well in this committee this year. When disputes arose, they were



quickly settled with the result being a bipartisan bill that we can all support.

As a member of both the Intelligence and Armed Services Committees, I have closely followed a number of controversial crossover issues, the most significant being intelligence support for Department of Defense drug interdiction operations. I remain very concerned that there is no one in charge of supply reduction efforts. The Defense Department has unilaterally picked a fight with the Governments of Peru and Colombia by ceasing to pass radar tracking data to these Governments that would facilitate the force-down of narcotics trafficker aircraft. At the same time that the Defense Department was driving a wedge between Peru and Colombia and our Government, it was requesting more money for radar programs in Latin America. This mismanagement has a direct impact on Americans at home because cocaine destined for the United States that would otherwise have been interdicted is now freely moving from Peru to Colombia. I have received assurances that the administration has focused on this problem and hopes to have it resolved soon. They should have thought about this before they reversed a long held policy on force-downs without prior consultation with other affected Federal agencies.

The problem I have described with the drug war is symptomatic of a larger problem: Lack of policy direction that will permit the intelligence community to efficiently allocate scarce collection assets. This has been clear throughout the year as we looked to the administration for a clear statement of its global priorities, which can best be described as constantly in flux. Barring such a vision, we will be forced to continue to provide direction. This is both unfortunate and unnecessary. Eighteen months into the Clinton administration is far too long to wait for a clear sense of policy direction. Mr. Speaker, I hope they do better next year.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. COMBEST], the ranking member of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman from Florida [Mr. Goss] yielding this time to me. And to the gentleman from California and the gentleman from Florida I simply want to say I appreciate very much the cooperation of the Committee on Rules in granting this rule that allows a full and open debate, allows any amendments that wish to come up under the preprinted rule. And I strongly support it and would urge passage of the rule.

Mr. GOSS. Mr. Speaker, I have no further requests for time and am prepared to yield back the balance of my time, if I can be assured by my colleague that he has no further requests.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, this is an open rule. The only way it could otherwise be characterized is because of the preprinting requirement, but because of the problems associated, or potential problems associated, with national security interests, that is, we believe it a reasonable requirement, one that was agreed to by the minority on the Committee on Rules.

□ 1530

The Permanent Select Committee on Intelligence we believe has brought us a good bill which can be fully debated under this rule. I urge my colleagues to vote for this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. SERRANO). Pursuant to House Resolution 468 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4299.

The Chair designates the gentlewoman from New York [Ms. SLAUGHTER] Chairman of the Committee of the Whole, and requests the gentlewoman from Hawaii [Mrs. MINK] to assume the chair temporarily.

□ 1531

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence, and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. MINK of Hawaii (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, at the outset I want to compliment the committee's

ranking Republican member, LARRY COMBEST, for the leadership he provided in fashioning this legislation. We have not agreed on every issue, and I know he has reservations about the funding levels in the bill, but we worked together in a cooperative spirit to produce a measure which the committee could support.

The bill before the House authorizes the funds for fiscal year 1995 for all of the intelligence and intelligence-related activities of the U.S. Government. The intelligence budget is comprised chiefly of two parts, the National Foreign Intelligence Program [NFIP] and the Tactical Intelligence and Related Activities [TIARA] Program. The NFIP includes those activities involved in the provision of intelligence to national policymakers and includes programs administered by agencies like the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency.

Tactical intelligence programs reside solely within the Department of Defense and are primarily, although not exclusively, concerned with the provision of intelligence to military commanders. There is not always a clear distinction between national and tactical programs and the Intelligence Committee has jurisdiction over the budgets of both. In our review of the funding requests for intelligence activities of particular concern to the Armed Services Committee and I want to acknowledge the assistance provided to us by Chairman Dellums, the members of his committee, and the committee staff.

Since so much of the Intelligence Committee's work deals with classified information, it is not possible to discuss the contents of the bill publicly except in broad terms. I am aware that this situation is frustrating to many Members and when we reach the amendments phase of these proceedings, BOB TORRICELLI and I will offer an amendment which would bring a degree of openness to the consideration of the intelligence budget. Our amendment will require that, beginning with the submission of the budget for fiscal year 1996, the aggregate amount of money spent on, and requested for, intelligence will have to be disclosed.

Although their funding levels are not public, all of the programs and activities authorized by H.R. 4299 are, however, set forth in a classified schedule of authorizations which is incorporated into the bill by reference, and discussed in detail in a classified annex to the committee's report. These documents have been available for review by Members since June 10. I urge Members who have not yet done so to visit the committee's office, room H-405 in the Capitol, and familiarize themselves with these materials.

This is the third consecutive year in which the committee has reported an

authorization which is below both the President's request and the amount authorized the year before. The congressional intelligence committees, much more so than the agencies they oversee, have been the agents for change in the intelligence community. Responding to the end of the cold war, it was the committees that mandated a 17.5-percent reduction in personnel to be accomplished by fiscal year 1997, and cuts in spending which have amounted to approximately 7 percent in the aggregate over the last 3 years. We have taken these actions largely as a result of a conviction that with the changes in the world arising from the demise of the Soviet Union, some alteration in the size of the intelligence community, which after all had been created to respond to the national security threat posed by the Soviets, was required.

The committee has been frustrated, however, by the inability of either this administration or its predecessor to articulate a clear vision of what the intelligence community should be doing in the post-cold-war world. Without that vision, and a well-defined implementation plan, it is difficult for the committee to effectively assess resource needs. Budget reductions are a blunt instrument for producing change in either the direction or method of operation of any agency or department of Government. Budget cuts must be reacted to, but those reactions do not always produce the efficiencies which might have resulted if the savings had been the end result of change, and not its cause. Thus far, however, the intelligence community's response has been primarily to react to the budget initiatives of Congress rather than looking to the future, attempting to define its role in it and matching its budget needs to that future role.

That is not to say that the maintenance of an effective intelligence capability will not continue to be necessary or that its maintenance will not be expensive. The world will remain an unpredictable place and intelligence will continue to be the insurance policy which will hopefully enable our leaders to deal with crises and conflicts in ways which reduce the risk to American interests and American lives. I believe, however, that the premium on that insurance should be going down because, as dangerous as the world may be, it is quite simply not as dangerous as it was when we had an enemy of the dimensions of the Soviet Union.

The committee's actions to refocus intelligence spending and activities are of necessity ad hoc. They cannot be expected to substitute for strategic planning by the executive branch. We need a strategic plan for intelligence and it is my judgment that the individuals from outside of Government need to be involved in its formulation. The planning effort must be undertaken promptly and completed expeditiously.

We cannot afford another budget cycle in which the committee trims the request because of a gut feeling that it is too high.

The committee needs to be able to judge the budget by how well it allocates resources to priority intelligence activities. The identification of priorities has not been done clearly and the resulting impression is that the intelligence community is trying to do most of what it did during the cold war, in the same way as it did in the cold war, and that is difficult because there are fewer resources. In the committee's judgment, there are intelligence priorities. They include countering the threats posed by the proliferation of weapons of mass destruction, international terrorists, and narcotics traffickers, and ensuring that our military commanders, no matter where they are deployed, have timely access to intelligence collected by national and tactical systems. These activities need to be emphasized and if that requires terminating some things which are no longer necessary because of changes in the world, that has to be done—and much more quickly than it has thus far. That is why a strategic plan is so important.

The fiscal year 1995 budget submission requested an increase in the NFIP, a cut in TIARA, and marginal growth when the two were combined. The committee's recommendation cancels almost all of the requested increase in the national programs, deepens the reduction in the tactical programs, resulting in an authorization below the request and below the amount appropriated in fiscal year 1994. I recognize that it will be argued by some that we did not cut enough and by others that we cut too much. We are proceeding cautiously, for the reasons I have already stated. In reducing spending and personnel, our goal has been twofold. First, we have tried to keep the pressure on the intelligence community to reorient itself, a process which takes time especially when it involves systems which are complex and expensive. Second, we have sought to avoid creating gaps in intelligence coverage by a too rapid reduction in resources. We are walking a fine line in a difficult area and while I do not believe that the committee's recommendations will cause any diminishing of essential capabilities, I am concerned that substantial additional reductions would have that result. I urge the House to reject amendments which would require such reductions.

In addition to the budget recommendations, the bill contains a number of legislative proposals which will be explained in detail by the chairman of our subcommittee on legislation, Mr. COLEMAN. Some of these proposals involve matters within the jurisdiction of other committees and I want to acknowledge the assistance we have

received from those committees in moving this legislation forward. At this point in the RECORD, I would like to insert an exchange of letters between Chairman FORD of the Committee on Education and Labor and myself on one such proposal.

Among the legislative recommendations in H.R. 4299 are several which comprise the committee's initial responses to the Ames espionage case. While these recommendations should be of help in deterring espionage, the Ames case was not caused by deficiencies in the law. The committee has an inquiry underway to help determine why a CIA employee could conduct espionage for 9 years, from different CIA posts in the United States and abroad, under the noses of his supervisors and coworkers, without detection. I am concerned that the Ames case reflected the continuation of a problem that the committee publicly identified in 1986 and 1987—counterintelligence has not been a high enough priority of senior management at the CIA or elsewhere in the intelligence community. Until protecting our secrets becomes as important to management as acquiring the secrets of other countries, we will continue to court disaster. No amount of legislation will correct the problems which allowed Mr. Ames to operate successfully for so long. They will be remedied only by a heightened emphasis on counterintelligence by top management and closer coordination of counterintelligence activities between intelligence and law enforcement agencies.

Madam Chairman, I urge the House to endorse the committee's judgments as reflected in H.R. 4299. Those judgments reflect a balancing of interests but I believe the bill makes progress in encouraging the community to invest in its future rather than cling to its past.

PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE,

Washington, DC, July 12, 1994.

Hon. WILLIAM D. FORD,  
Chairman, Committee on Education and Labor,  
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 12, 1994 concerning section 501 of H.R. 4299, the fiscal year 1995 intelligence authorization bill.

As noted in your letter, section 501 amends a number of statutes to enable the Secretary of Defense to manage the civilian employees of the Central Imagery Office in the same personnel system as exists for comparable employees of the Defense Intelligence Agency. One of these statutes, the Employee Polygraph Protection Act of 1988, is within the jurisdiction of the Committee on Education and Labor pursuant to Rule X of the Rules of the House of Representatives.

The Intelligence Committee appreciates your willingness not to seek the referral of H.R. 4299 to which your committee would have been entitled on the basis of its jurisdiction over section 501. Your decision has



facilitated the floor consideration of H.R. 4299.

Sincerely,

DAN GLICKMAN,  
Chairman.

COMMITTEE ON EDUCATION AND LABOR,  
Washington, DC, July 12, 1994.

Chairman, Hon. DAN GLICKMAN,  
Permanent Select Committee on Intelligence,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This week the House of Representatives will consider H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995. Section 501 of the proposed legislation provides the Secretary of Defense with the statutory authority to manage the civilian employees of the Central Imagery Office in the same personnel system as the one which exists for comparable employees of the Defense Intelligence Agency. This section modifies a whole range of statutes to ensure that employees of the Central Imagery Office are subject to the same statutory provisions as employees of the Defense Intelligence Agency.

One provision of Section 501 amends the Employee Polygraph Protection Act of 1988 to include employees of the Central Imagery Office in the same statutory exemption as the Defense Intelligence Agency.

The Employee Polygraph Protection Act of 1988 is a statute within the Rule X jurisdiction of this Committee. The Committee does not oppose the amendment proposed in H.R. 4299 and sees no need to take action upon the bill. Our decision to forego action, however, should not be construed as a waiver of the Committee's Rule X jurisdiction. We would appreciate it if this letter and your response could be printed in the Congressional Record with the debate on H.R. 4299.

With kind regards,

Sincerely,

WILLIAM D. FORD,  
Chairman.

□ 1540

Madam Chairman, I reserve the balance of my time.

Mr. COMBEST. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as the ranking Republican member of the Intelligence Committee, let me first express my appreciation to my colleague from Kansas, Chairman GLICKMAN, for his hard work in leading our committee through some extremely difficult deliberations. The pressure to continue cutting when common sense dictates it should cease has made preparation of the authorization bill for intelligence more difficult in each of my 6 years on this committee.

H.R. 4299 is not the bill that I or my Republican colleagues would have written. I strongly urge anyone who is concerned with this country's security to read the minority views to the unclassified report, where we discuss at some length our philosophic and practical dissent from some key elements of the authorization report. Realistically, though, we stand united in supporting the bill as the best compromise we can reach at present. I say this in the full expectation that we will in conference, on a bipartisan basis, seek compromise

positions which will lessen our concern that this bill endangers some critically important and fragile intelligence capabilities, such as in the area of human intelligence.

The committee is responsible for examining, evaluating, and funding intelligence capabilities and activities, the specifics of which are largely and necessarily unknown to the public. When Congress makes an unwise cut to public works or education, the taxpayer sees the bridge left half built and the school left unfurnished. But, when we cut intelligence the taxpayer sees nothing. If we decide to gamble with public safety by cutting money for law enforcement, the public sees the results and can draw the right conclusions. But, when we gamble with national security by cutting intelligence programs the taxpayer is unaware how we may be risking his and his family's well-being. We cannot disclose publicly the extent and nature of those risks, because that would tip off those in our unsettled and dangerous world who wish us harm about where our intelligence capabilities are thinnest. In practice this often means that we will not face full public accountability until our gambles result in an open disaster.

Frankly the short-term odds are with the Members of this House who press for such irresponsible continuing cuts. After all, those who opposed strong defenses in the years before World War II could claim to be demonstrably right year after year after year. In the gamble of national preparedness they rolled straight sevens and saved the taxpayers billions of dollars—right up until December 1941 and the debacle of Pearl Harbor. Some people refuse to learn from history, but what was true then is true now: Responsible leaders of this country must fight against the short-sighted tendency to think we can safely cut corners in intelligence and national security. Those savings will be lost inevitably many times over, and they will be paid back not only in dollars but in lives. With important national security interests at stake, we must be more cautious about these continuing cuts to intelligence. We cannot afford to search for some illusory right level of intelligence resources by making cuts we later find to our regret are too deep and then working backward to restore lost capabilities.

Madam Chairman, I am not now talking about history, though. Neither am I talking about some sort of hypothetical point of decision off in the future. I am talking about this year, this budget, and what we do about it today. For, in the area of intelligence, push has come to shove. In all but one of my 6 years on this committee we have turned out an authorization bill showing cuts to intelligence in real terms. We have probed, examined, and x rayed

the intelligence budget from every angle. We have torn it down and rebuilt it. We have cut and pared and sliced away at fat. We are now cutting away muscle and sinew. Savings can now be measured only in risks taken.

There is no shortage of facts and figures I can cite to demonstrate the rather remarkable, indeed reckless, slope of decline on which we have put the intelligence community. Despite a consensus of informed opinion that intelligence cuts should be avoided or at least minimized in a period when we are cutting our defense capabilities, we are again this year cutting intelligence more than defense at large. It is downsizing at a rate twice that recommended by the President's National Performance Review for the Government. President Clinton made a campaign promise in 1992 to cut the Bush administration's proposed intelligence budget over a 5-year period by \$7 billion. This was an incredibly ambitious—and many would say a foolhardy—goal. Yet, as Director Woolsey has stated publicly, this has been accomplished with 2 years to spare, and it appears the cuts over the 5 years will likely be more than \$14 billion. This irrational urge to keep cutting intelligence has taken on a life of its own and it will, unless stopped, inevitably lead to disaster.

Madam Chairman, I have not talked today on the continuing need for intelligence. I did so last year at some length and, I imagine, several of our committee colleagues will discuss it some more. I will only observe that it takes an incredibly naive person to argue that the current world situation is such that our country does not have a pressing need to know the behind-the-scenes realities of: the capabilities and intentions of well-armed hostile states, terrorist organizations, weapons proliferators, and unfair trade competitors worldwide.

In 1944 Secretary of State Edward Stettinius, in his political innocence, convinced President Roosevelt to have Gen. William Donovan of the CIA's predecessor, the Office of Strategic Services, return to the Soviet Union a captured copy of a code book used by the Soviet intelligence services. He did, and the Soviets promptly changed their codes. A chance to follow Soviet intelligence activities in the United States and worldwide was thrown away. Fortunately, Donovan returned the code book only after making a copy—a copy which U.S. intelligence used a few years later, when political leadership was wiser to decrypt Soviet intercepts from before 1945. These messages allowed the United States to wrap up numerous Soviet agents who were still active in the United States. Those who now seek to limit intelligence capabilities are far more short-sighted, naive, and downright foolish than Secretary Stettinius. What

Stettinius did was only to limit the benefit of good intelligence work. Those who cut crucial intelligence resources now are, effectively speaking, keeping the code books of today's enemies from ever reaching our hands in the first place.

I urge the House to pass this authorization without further cuts and the even greater risks to our national security interests which further cuts would entail.

I feel I should also take this occasion to comment on the Ames espionage case and the reforms that are under consideration in its wake.

First of all, reform of intelligence and counter-intelligence should not be of the ready-fire-then-aim sort.

While the Intelligence Committees have been considering various options for change, the DCI has refrained from making quick fixes and opted—I think wisely—to wait until he began getting in the results of several external and internal investigations and task forces to propose his remedies. He has taken very careful aim because he wants to fix what is broken without destroying an extraordinarily important and, despite Ames, a highly successful element of the intelligence community—the CIA's clandestine Operations Directorate.

Last week the DCI gave us on the Intelligence Committee his initial read-out of what sorts of changes he envisions. An unclassified version of that talk was given yesterday to the Center for Strategic and International Security. In it he announced "a comprehensive overhaul of a number of key structures, programs, and procedures." It was a speech which, in the words of the *New York Times*, was unprecedented: "no other sitting Director of Central Intelligence has offered a public critique quite as pointed as Mr. Woolsey's." And, as Mr. Woolsey told our committee, this is just the beginning.

I am very much encouraged by the direction the DCI is moving. He has not been misled by the distracting hue-and-cry of those claiming the main scandal is in the longevity of Ames' treachery. Parenthetically, I would note that the two potentially most damaging cold war spy cases, the Whitworth/Walker case in the Navy and the Conrad case in the Army—either one of which could have resulted in hundreds of thousands of U.S. dead if not outright U.S. military defeat in war—went on for 18 and over 12 years, respectively. While identifying factors which hamstringing the CIA and FBI efforts over 8 years to identify the spy responsible for the 1985-86 intelligence compromises, the DCI has rightly focused in on the system which allowed Rick Ames access to so many of the CIA crown jewels to begin with. This is a much more difficult problem and he is to be lauded for attacking it head-on.

Our committee, you can be sure, will be watching these developments closely. The DCI has promised he will consult with us at every step of the way. This is exactly as it should be. We are not content, however, to sit by and be consulted. We are ourselves delving into the details of Ames' espionage activities and all aspects of U.S. intelligence and counterintelligence relevant to it. It is in the interest of every member of our committee—indeed, of the American people—that we minimize the possibility of there being a repetition of Ames' treachery while maximizing the efficiency and effectiveness of the U.S. intelligence community.

□ 1550

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield 9 minutes to the distinguished gentleman from Texas [Mr. COLEMAN], chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence.

Mr. COLEMAN. Madam Chairman, I rise in support of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995. As chairman of the Legislation Subcommittee, I feel we have produced a good bill that makes responsible reductions in the intelligence community's budget request while maintaining essential capabilities. In the budget area, we have continued to put pressure on the community to develop innovative, cost-effective solutions to meeting the challenges of the future. More needs to be done, but progress is being made.

On the legislative side, H.R. 4299 contains a large number of substantive proposals, which I would like to summarize briefly:

Section 401 deletes certain archaic provisions of the Central Intelligence Agency Act of 1949 to ensure CIA's alcohol rehabilitation program is not seen as inconsistent with the Agency's statutory authorities.

Section 501 provides the Secretary of Defense the statutory authorities to manage civilian employees of the Central Imagery Office [CIO] in the same personnel system as exists for civilian employees of the Defense Intelligence Agency. Providing these authorities to the Secretary of Defense should ensure there is no separate administrative structure created for the smaller CIO.

Section 502 clarifies that the notice requirements of the Privacy Act of 1974 do not apply to Department of Defense [DOD] intelligence officers conducting, outside the United States, an initial assessment contact of a U.S. person as a possible source of foreign intelligence. Section 502 is intended to permit a DOD intelligence officer one opportunity for a face-to-face meeting with the potential source without hav-

ing to inform the U.S. person of the officer's affiliation with the U.S. Government.

The committee was not convinced that the notice requirements of the Privacy Act were intended to apply to situations covered by the bill, but recognized that the Department of Defense had legitimate grounds for requesting an exemption, in light of the civil penalties that attach to violations. In addition, the committee was concerned about the safety overseas of U.S. intelligence officers and U.S. persons being assessed.

The committee intends that the Privacy Act exemption contained in the bill be construed in such a way as to minimize intrusion on the privacy of the potential U.S. person. The committee believes that no personal information solicited from an individual during the initial assessment contact should be retained in a U.S. Government system of records if the individual is not informed of the intelligence officer's governmental affiliation. Furthermore, the committee expects that under no circumstances should a potential U.S. person be requested or utilized in any fashion to undertake any intelligence activity by defense intelligence officers unless the potential U.S. person is made witting that he or she is acting on behalf of the U.S. Government regardless of the status of the initial assessment contact.

Section 601 of H.R. 4299 establishes independent statutory inspectors general [IG's] for the Defense Intelligence Agency and the National Security Agency. These IG's would be appointed by the directors of the respective agencies, and would not be subject to Senate confirmation. The bill spells out the authorities of the statutory DIA and NSA inspectors general, qualifications for the positions, and reporting requirements to the congressional intelligence committees.

The committee has been concerned about the independence and effectiveness of the offices of the inspector general at DIA and NSA for a number of years. A statutory inspector general at each agency should ensure that important intelligence programs operated by the NSA and DIA have a high degree of specialized, professional, inspector-general oversight. Section 601 will be the subject of an amendment from Mr. CONYERS at a later point in the debate. I support the adoption of this amendment: it should bring greater clarity to the interpretation of the provisions establishing the NSA and DIA IG's in the law.

Title VII of the bill includes two provisions intended to improve the management of classified information in the Federal Government. Section 701 requires larger intelligence agencies to



allocate at least 2 percent of their appropriations for security, countermeasures, and related activities to certain declassification activities, including reducing classified archives. Section 702 requires the President to issue an Executive order on classification and declassification, not later than 90 days after enactment, and includes a sense of Congress on what the Executive order should provide.

Title VIII of the bill contains several measures to improve U.S. counterespionage efforts. These measures should deter U.S. Government employees—including contractors, consultants, and legislative and judicial branch staff—from engaging in espionage, facilitate the detection of espionage, and provide additional authority to prosecute and redress espionage activities.

The bill requires individuals with access to classified information to give consent to disclosure of records held by financial institutions, credit bureaus, and commercial travel entities, to authorized investigative agencies, or employing agencies, during background investigations, while granted access to classified information, and for 3 years thereafter.

Section 801 sets forth the conditions under which an authorized investigative agency may request, obtain, and disseminate this information. While H.R. 4299 requires employees to waive a certain degree of privacy as a condition of access to classified information, the bill carefully places limitations on when an investigative agency may make a request for financial records and how the information contained in the record may be disseminated. This should be less burdensome to individuals than new reporting requirements, and less intrusive on their privacy.

Title VIII also authorizes rewards for information leading to arrests or convictions for espionage; establishes venue for trials involving espionage committed outside the United States; requires post-conviction forfeiture of espionage proceeds; provides for the denial of retired pay to certain individuals convicted overseas of espionage; and authorizes provide post-employment assistance to certain Defense Department civilian employees to maintain their stability and judgment and avoid unlawful disclosure of classified information.

□ 1600

Mr. Speaker, I would only say in closing that all of the matters that I have listed that we dealt with legislatively on this particular subcommittee and we have included in the bill are the result of the work of a lot of the members of this committee in the area of classification and declassification of items. Of course, our colleague, the gentleman from Colorado [Mr. SKAGGS], will perhaps speak on that issue more later.

I would say that were it not for the staff on both sides of the aisle of the committee, I do not believe we could have brought a bill to the floor that has garnered the support of Republicans as well as Democrats on this most important matter, not just for its budget matter but for its authorization and change in the legislative part of the bill.

Mr. COMBEST. Madam Chairman, I yield 7 minutes to the gentleman from Nebraska [Mr. BEREUTER], a most valuable member of the committee.

Mr. BEREUTER. Madam Chairman, we have had typically the last 5 years I have been a member of the committee sweetness and light at this stage, and I think I will depart from that, unfortunately. This is a time to draw a line in the sand, because I am not happy at all with this budget.

Madam Chairman, this Member would tell his colleagues he has severe reservations about the amount of cuts in the funding of the intelligence community recommended by this committee. Certainly I would strenuously oppose any further cuts from the floor or in conference.

Both Republican and Democratic administrations now have sought to avoid cutting the intelligence budget as much as the cuts in the overall DOD budget within which intelligence funds are obscured. The theory has been that intelligence is a force multiplier and also exceedingly important in an increasingly confusing and unstable world. The Defense Department itself consistently has subscribed to this theory, even though more lenient treatment of the intelligence function in budget-cutting efforts meant that DOD's core military programs had to take deeper cuts to stay within the Department's budget ceiling. However, for several years in a row now, Congress has chosen to take misguidedly higher percentage cuts in the intelligence request than in the overall Defense request.

The reasons for this tough budgetary treatment of the intelligence community budget are mostly political rather than substantive. This year our Democratic Party colleagues on the committee tell us that the committee must cut deeply because a majority of the Democratic caucus is critical of U.S. intelligence, and we might otherwise be unable to carry the bill without draconian cuts on the floor.

Madam Chairman, this member believe, and some other members of the committee believe, especially this year, that real damage is being done by the budget cuts the committee is recommending and that some of these cuts are very unwise. In making such cuts, we do not even have the consolation of contributing to deficit reduction, since the Armed Services and Appropriations Committees, rather than reducing the Defense budget accord-

ingly, routinely divert intelligence savings to other Defense programs, notably those that are not funded in the Defense request but are valued by some members for parochial or political reasons.

Let us examine some of the problems.

First, there is now a real question whether we will be able to support an adequate satellite infrastructure. Second, it seems like only yesterday that Congress itself was leading a highly publicized bandwagon of support for human intelligence collection—"HUMINT for the 90's," it was grandly called. But we are nothing if not fickle, and in the twinkling of an eye, the mood shifted 180 degrees. CIA's Directorate of Operations now is facing severe cuts that mandate worldwide retrenchment comparable to the worst day of the Carter administration, when disastrously, Adm. Stansfield Turner was Director of Central Intelligence. Intelligence collection for whole regions of the world must be virtually written off.

Obviously, HUMINT cuts and the flagging support for satellite restructuring cripple another recent initiative to support military operations. The cry for intelligence support for military operations became as popular as HUMINT for the 90's, and gained steam after lessons learned in the 1991 Persian Gulf war, but that concern and effort now looks to be equally short-lived.

With this Member's interests being heavily focused on arms control and verification, I have watched in dismay as we have dismantled many of our technical systems for collecting intelligence on Russian weapons, on the theory that they are no longer a threat, or that they will always comply with treaty provisions, or that we will always retain access by other means.

So, Madam Chairman, I rise to tell Members of the House that in certain key areas these cuts have hurt, hurt grievously, and the damage cannot be reversed except at great expense and over long periods of time. That this pain has not even contributed to deficit reduction is insult added to the injury. That a Democratic Congress has called for such cuts even against the recommendations of a Democratic President seems especially unfathomable. That some outside the responsible committees have occasioned these defensive cuts by Democrat members of the committee by calling for percentage cuts, without knowledge of, or apparent concern about, the specific harm inflicted, and that the responsible committees have with good intentions and concern about floor cuts, succumbed to their cries of the anti-intelligence forces is very unfortunate; I believe it jeopardizes our national security.

Therefore, it is with reluctance that I support this bill but only at this stage of debate. Portions of it are unacceptable, but many of us vote for it in

order to avoid further cuts. The problem is that if those of us concerned about inadequate funding vote "no" and are joined by the shortsighted or ill-informed who are simply anti-intelligence, the results could be disastrous. I vote for the bill with the hope that the Senate and the conference will restore some of the absolutely necessary funding for the intelligence community. If that is not the case I will strongly urge my colleagues to vote "no" later on the conference report.

Mr. COMBEST. Madam Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want to compliment him and the chairman of the committee for the hard work that has been done to bring this bill to the floor today. I am going to vote for this bill, but in all honesty I have to say, as my colleague, the gentleman from Nebraska [Mr. BEREUTER], has just said, this bill is not adequate, it does not meet the requirements of 1994, 1995, or 1996 for intelligence and national security interests.

We have to understand, intelligence is a vital part of our national security. I think of the words of General Schwarzkopf after the tremendously successful Desert Shield and Desert Storm. He made the point that he had about everything that a field commander could have to win that war and to win it decisively and to win it without a large loss of life. He also said that the intelligence that he had was better than any field commander had ever had before.

□ 1610

But he also said that he could have used more intelligence, more accurate intelligence and more and quicker intelligence.

We cannot separate intelligence from the national security interests of our Nation. But we have different kinds of intelligence. We have the overhead intelligence, the highly technical, highly classified overhead types of intelligence that can do amazing things. But they are limited to the extent that they cannot get into the brain, or the mind or the thought process of a hostile leader.

Obviously then, human intelligence is equally important. Human intelligence is essential to a comprehensive intelligence program. We have not done the job on human intelligence. Since Vietnam we have spent billions and billions of dollars on high-technology intelligence at the risk of losing our ability to conduct an effective human intelligence program. I am afraid the legislation presented today allows that direction to continue.

A major concern that I have is that the intelligence our policymakers are

getting, and I think it is important to make the point that the intelligence community, those who collect the intelligence, are not the policymakers but provide the information and the assessment and the analysis upon which the policymakers would make their decisions and make their determinations and establish a direction.

It worries me when I believe that our top policymakers are not paying the attention to the intelligence information they are getting that they should. I do not think they are spending nearly enough time in considering, and I do not think that they are placing the importance that the members of this committee place on this intelligence information. I would venture to say that any member of this Permanent Select Committee on Intelligence probably spends more time every week reviewing intelligence information and intelligence matters than some of the highest policymakers in the executive branch of Government, and that is dangerous, that is dangerous. They need to pay more attention to what is happening in the real world.

Madam Chairman, we need some definite direction. We need an intelligence program that meets the Nation's security requirements and not the political whims of a budget cutter. I am all for cutting most budgets. I look at the votes I have cast in this Congress and Congresses before to cut budgets and I am prepared to cut a lot more budget items but, I am not prepared to cut the budget when it threatens the security of this Nation, because without our national security we have very little else to offer the people of this great Nation of ours.

Madam Chairman, I am going to vote for this bill. As I said earlier, I compliment the leaders of the committee and the leadership of the committee, but because of these budget restraints we are not doing the job that we need to be doing. The Berlin Wall may have come down, the Iron Curtain may have melted, but the former Soviet Union's nuclear missiles are still in existence. The KGB, while it has changed its name, it is no longer called the KGB, but it is still there, and they are still collecting, and as the Director of the CIA, Jim Woolsey said, when the big target of the KGB and the Soviet Union went away, there were a hundred new ones in its place.

Madam Chairman, I will vote for this bill today, but we need to make some real serious changes in the future.

In an era of downward spiraling budgetary outlays for intelligence, we must spend every dollar even more carefully so that the Nation receives the absolute maximum in benefits from every dollar spent. I have made clear to the administration, the foreign policymakers, and the Director of Central Intelligence, that we need a strategic plan that will lay out their spending

priorities for the remainder of the decade.

We cannot afford to make mistakes now. The world continues to be unstable and changing. The death of Kim Il-sung last week highlights the need for continued vigilance on the Korean Peninsula. The unfolding tragedy in Haiti where thousands of Haitians are fleeing their country requires constant surveillance. Bosnia remains unstable, and our tentative steps at forming a long-term settlement there are not guaranteed to work. Of course Russia remains unstable and armed with thousands of nuclear weapons and it continues development programs on strategic defense weapons. Although we must carefully monitor these developments, I do not see strong planning initiatives on behalf of the intelligence community and the administration. As we approach conference and the next year's budget submission, I pray that the intelligence community will perform better than it did this year. In particular, I would like to see a better synergy between the foreign policy community and the intelligence community to ensure that they are in lock step as they face the challenges that America faces.

Mr. GLICKMAN. Madam Chairman, I am delighted to yield 5 minutes to the gentleman from Washington [Mr. DICKS], a vigorous advocate for national defense, both in the State of Washington and throughout the United States, and chairman of the subcommittee of the Permanent Select Committee on Intelligence.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Madam Chairman, first I want to compliment the chairman and the ranking member of our committee and the staff of the committee for an excellent job in oversight and review of this year's intelligence authorization bill and budget. Yes, I agree with my friend, the ranking member of the Subcommittee on Investigations and Oversight, that the members of the Intelligence Committee I think, the ones the Speaker has appointed after a lot of deliberation, are really spending a great deal of time in the committee listening to the witnesses, attending the meetings and giving the kind of oversight that I think was anticipated when this committee was created.

I will say to my colleagues on the Republican side, yes, we have made large cuts. But as someone who sits both on the Permanent Select Committee on Intelligence and on the Defense Subcommittee of the Committee on Appropriations, I would remind all of my colleagues that if they look at what we have done in procurement in defense, take the numbers in this year's budget and translate them back to 1985, we have taken procurement down from \$135 billion to \$43 billion. We have made draconian cuts in defense, so



large, in fact, that the President this year right in this Chamber said we were not going to cut defense any further.

So I would urge Members in the context of this kind of draw down in force structure and in the procurement of new systems that what we have done here in the intelligence arena is acceptable, and I in my heart of hearts believe that we have given the intelligence community the money and the resources necessary to do an excellent job in gathering intelligence.

The problem is not there. The problem is that we have too many agencies with too much redundancy, doing too much of the same thing.

I want to commend the chairman. He basically said here today that we need not only the Intelligence Committee to be working on this problem, but I truly believe we need a group of outside experts, very senior people to look at the entire operation of the intelligence community and to make recommendations to the President and to the Congress about how we can restructure and simplify the intelligence community.

The gentleman from Florida [Mr. Goss] got up and said we are not going to have as many places with CIA offices in Africa. The only thing I would say to that is we still have a State Department, and frankly, a lot of what we gather today, in my mind, can be gathered through open sources, through the State Department, through the Commerce Department who are out in these parts of the world. They are out there and they can make a contribution here, because what we are trying to do is get the best information we can to decision makers. It does not always have to come through clandestine activities.

Madam Chairman, I would also say this Director, Mr. Woolsey, and this is to his credit, has called upon us to make investments in national technical collection means. This means some money up front. In this respect I do believe that the committee has stood behind him. We have said yes, we are going to give you the money now to make the investment in improving our national technical collection means. In my view, in the future, that will simplify the architecture and allow us to spend less money on intelligence gathering. So I think we should support him on that.

The Ames case is a national scandal and disaster, there is no other way to put it. I believe the Director was a little slow at first in recognizing that the Congress and the American people want him to clean house.

We have to have a better way of doing counterintelligence and the CIA and the FBI are both, in my mind, responsible.

I will give the Clinton administration a credit in this sense, that the National Security Counsel came into play and presented some very important reforms

that have been adopted and put into place.

I would like to say this: Yes, we tried to help the directorate of operations. But one cannot have read the article in U.S. News and World Report without having some skepticism and concern about how well the directorate of operations has been doing its job. We may have given them a lot of money, but I must ask where has been the performance? I intend as chairman of the Investigations and Oversight Subcommittee to spend some time even in this remaining year looking at those problems, because it is clear that in Cuba, and Russia and other areas, in Iran we have some very serious problems.

Madam Chairman, I want to say to the House I think we have done a responsible job. I think we should vote for this bill. I think we have cut as deeply as we should. I think the chairman is right. If we cut further, we would be in some serious trouble, and if we will work with our colleagues in the conference to try and improve the bill when we get there.

□ 1620

Mr. COMBEST. Madam Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

I, too, want to extend my gratitude to the chairman of the full committee, the ranking member, the chairman of the Subcommittee on Legislation, the gentleman from Texas [Mr. COLEMAN], and particularly to the staff on both sides for their consistent assistance to us. As a matter of fact, the staff, if they do nothing else, in unscrambling the acronyms for me, I will be eternally grateful to them. I am going to create one called SAM, which is "Staff Assistance to Members," which I endorse right here and now. If I have to introduce legislation to that effect, I will do it. But anyway, SAM has been good to me.

The message for this particular hour has been amply delivered by the presentations made by our colleagues on both sides of the aisle.

Two gigantic truths emerge from everything that we say here and now. One is that there is a continuing absolute need for our country to engage in intelligence activities. If the only trouble spot in the world were North Korea, that in itself would justify our continuing state of alert in the intelligence community and in the Intelligence Committee in both Chambers for monitoring of that situation.

But when you add to that the hundreds of little and bigger situations across the civilized and uncivilized world, then we say to the American people, and I reiterate this every chance I get in my home district, that notwithstanding the end of the cold war, there is this state of alertness

that is absolutely necessary to our national security and that, therefore, we must continue to support an intelligence component of our national being.

And the second truth, one that has been reiterated here, is the agony that we have suffered as members of the committee and as American citizens throughout the land on the disgraceful Ames case. I am one who firmly believes that we will have other cases in the future undoubtedly, other betrayals, other individuals who will for money or for other reasons betray our country, and in my mind the death penalty ought to be considered each and every time such an event occurs.

Notwithstanding my support of the death penalty, however, it appears that some of the antipathy toward that kind of penalty is also apparent even in cases when the entire Nation is put at risk. I must tell you that it is not just wartime espionage and treason that should be punishable by death. Any kind of total sacrifice of the American prestige and the American being on the part of anybody who works for the CIA, but the Ames case definitely proves that an act of treason such as that puts at risk fellow Americans, risk of their lives wherever they may be serving across the world, and not only Americans but other nationals of other nations who work with us, who share our ideals, who share our hopes for the world, and so the death penalty is an appropriate measure for treason and espionage, and to the last day that I serve in this Congress, I will attempt to do everything I can to reinstate that penalty for betrayal of our country.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate my colleague yielding. I appreciate the work of not just my colleague but my chairman as well in a very difficult year in the Intelligence Committee.

I am the new kid on the block in this committee, for I am just beginning my second year of service on the committee. Up until now, I have spent most of my time in the Congress on the Appropriations Committee, where I focused on the Housing and Independent Agencies Subcommittee for a few years, now, service on the Defense Subcommittee.

I must say that I have been distressed over the last several years with the rather rapid reduction in national defense spending that was described by my colleague, the gentleman from Washington [Mr. DICKS]. Hand in hand with that, it seemed to me, as we were going about reducing money spent for national defense, it would be very appropriate to have access to the kinds of information that one has made available to them in the intelligence work, so assignment to that committee has been most timely from my perspective.

As others have suggested, we spent hours and hours behind those walls, reading material and trying to get a handle on issues that are largely based upon information that is secret intelligence information, making certain our public-policy decisions reflect those very serious American as well as worldwide needs.

I must say that I am not lightly disconcerted with the pattern of reduced spending in this subject area of recent years. During the decade of the 1990's, it would appear that we could be very well moving toward, adjusted for inflation, by the year 2000 spending 60 percent less on intelligence matters than we spent at the beginning of the decade.

It was only 2 years ago that the former chairman, the gentleman from Oklahoma [Mr. McCURDY], came to the floor and urged us to cut no further a budget that then was 15 percent larger than we are currently spending in this subject area. And how can that be justified, this in view of the world we are living in, a world that is extremely dangerous? Indeed the East-West confrontation has largely been set aside, but to the rest of the world more complex and maybe even more dangerous.

How do you develop the intelligence resources you need to effectively tap that new and complex world?

Madam Chairman, it is very, very important the House recognize these needs, and I urge them to support this legislation.

Mr. GLICKMAN. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. COMBEST. I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentlemen from Colorado [Mr. SKAGGS] is recognized for 4 minutes.

Mr. SKAGGS. Madam. Chairman, I would like to commend Chairman GLICKMAN and ranking minority member COMBEST for their hard and good work in bringing H.R. 4299 to the floor. This is thoughtful legislation that strikes a decent balance between the need for our Nation to engage in necessary intelligence activities with the need for fiscal restraint. This bill also continues the efforts of the Intelligence Committee to bring about reform of overall intelligence activities in a way that saves the taxpayers money and strengthens our democracy.

One thing should be clear from today's bill: While the reform efforts of the Central Intelligence Agency and related offices have begun, they need to proceed with an even greater sense of urgency. The human intelligence program still needs a better strategic plan that defines essential roles and missions in a way that makes sense in the post-cold-war world. The counterintelligence program needs special reform

in light of the Aldrich Ames case. Continuing personnel reductions mandated by last year's bill also pose challenges for the intelligence community. Director Woolsey, I know, is committed to necessary changes in these areas, and we all should encourage and support his leadership.

The funding level of the bill, which is less than requested, should be interpreted as an effort to deal with the budget environment we live in and as a message to the intelligence community to reorganize and reform itself as quickly as possible to meet today's new challenges.

In trying to develop sound priorities, it's always helpful to know what is of value to people. Unfortunately, it is difficult to assess the real value of the products produced by the intelligence community. In economic parlance, intelligence products are called free goods, meaning they come with no cost to consumers such as the State Department or the Department of Defense. Because they are free goods, there is no way to determine their value to consumers analogous to the price mechanism of the marketplace. As a result, Congress and the community don't have the best kind of information we need to decide how to allocate intelligence resources according to the priorities of these consumers. To solve this problem, I have worked with Chairman GLICKMAN to include report language requesting the Community Management Staff to develop proposals for pilot projects to test various means for measuring the value of and assigning cost to intelligence information. The committee report specifies that a pilot project should try to develop a market-type mechanism for guiding supply and demand, and so for valuing intelligence products. I believe this is the kind of innovative approach that will help us prioritize our intelligence efforts as intelligently as we can.

The reform of procedures for classifying information has consumed much of my time and attention since becoming a member of the Intelligence Committee. Language I drafted for the report on last year's intelligence authorization bill directed the intelligence community to collect information regarding the annual costs in dollars and personnel associated with the classification of information. Two months ago the Office of Management and Budget released a report documenting that the Government will spend roughly \$2.28 billion on classifying information this year and will assign classification duties to 32,400 Federal workers throughout the Government. The report estimated that another \$13.8 billion will be spent to reimburse Defense, State, and intelligence contractors for compliance with security procedures. It was interesting to note that some of the agencies which classify information are

those Americans would least suspect, such as the Departments of Agriculture, Health and Human Services, and Education. Unfortunately, the OMB report did not include data from the intelligence agencies themselves because they have thus far failed to comply. An amendment I'll offer in a few minutes will deal with this failure.

In an effort to continue the declassification process, today's bill—in language proposed by the chairman and me—requires the intelligence agencies to develop a phased plan to implement declassification guidelines, begin the process of declassification of archived classified documents, and submit reports to Congress on the declassification process. The President is also required to develop a plan to narrow the definition of information subject to classification, to reduce the time period of classification, and to provide for the automatic declassification of information when a document's period of classification expires. These measures will continue the reform process in a balanced and reasonable manner.

I have two primary reasons for pursuing the reform of the classification process. My first reason is my strong philosophical belief that the American public and American democracy are best served by an open Government. It is clearly necessary to continue to classify certain types of information to protect our national security. But keeping information from Americans which poses no security risk is just as clearly contrary to democratic principles. For example, why should we continue to spend money to store classified material regarding troop movement during World War I? Why is the department of Education spending thousands of dollars to install secure telephone lines? We all recognize that a significant portion of what is classified is likely kept from the public more for political reasons, or to avoid embarrassment, or simply from inaction, rather than to serve any defined security need.

The Founding Fathers believed an educated and informed public would serve as the best protector of our form of government and the best guarantor against tyranny. We can't expect the public to carry out its responsibilities if we allow the classification process to keep outdated information secret or to make secret information that should properly be available to the public. Reform of the classification process will place more information in the public domain and thereby strengthen our democracy.

My second reason for pursuing classification reform involves saving money for taxpayers. The OMB report stated that we spend \$16 billion annually on classifying material and then storing and maintaining it, even though much of it is outdated or shouldn't have been classified in the first place. The money



spent on maintaining the cloak of secrecy over outdated information or information which never had significant national security content, is simply wasted. Given the huge sum of money involved here, if we save only a fraction of the total we spend each year, we can narrow the budget deficit substantially.

In summary, H.R. 4299 is thoughtful legislation that authorizes funds for necessary intelligence activities and continues the reform of our intelligence apparatus in a way that saves money and strengthens our country. I ask all Members to give their full support to the bill.

□ 1630

Mr. COMBEST. Madam Chairman, I yield the balance of our time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the Republican leader and thank the chairman.

Like my fellow Republican members on this committee, I also support the intelligence authorization bill.

I, however, share with many of my colleagues on the other side of the aisle and all of my Republican colleagues a great concern on the degree to which intelligence has been cut over the recent years. In fact, over the past 3 years, while the overall defense budget has been slashed precipitously, it is a mystery to me that the intelligence budget has declined to an even greater degree. I would think any administration, any Director of the Central Intelligence Agency, would want all the information they could possibly accrue for the benefit of our leaders in a most dangerous world.

Our current Secretary of Defense I think came up with the best metaphor I have heard to describe the situation in the world today. He said that we have slain the dragon—and by that he meant the massive evil force of communism, with tens of thousands of nuclear weapons pointed in our direction and we, likewise, we like to think in a defensive, deterrent mode, pointing them back at the other side.

That dragon has been slain, although the poison lies all over the landscape, that is, those nuclear missiles, even the tactical ones, thousands of those have not yet been perfectly disposed of. We now talk of crime syndicates in Russia getting their hands on missiles. But the dragon itself is down. On Christmas Day, of all days, the Communist hammer and sickle came down and we saw the white, powder blue, and red flag of the old Russia go up. But to continue Mr. Perry, our Secretary of Defense's metaphor, we now have a garden of a thousand poisonous snakes replacing that dragon. The snake is not equal to a dragon, but when there are a thousand of them, you have your hands full. Hence the need for even greater intelligence.

I believe I echo the belief of, I think, most of our colleagues in repeating that in these times of military downsizing intelligence capabilities are increasingly critical to the safety and effectiveness of our military and to the wise and effective use of those diminishing resources of the military.

With the demise of the Soviet Union, few would argue these following facts, I believe: That is, intelligent men and women would not argue that robust intelligence capabilities, strategic and tactical, are increasingly critical in this unpredictable, dynamically unpredictable world in which we live.

No longer does our planning focus chiefly on some large-scale engagement, Soviet tank divisions pouring through the gap, fighting it out in the plains of Europe; and to some this meant, "Well, let's all but bring our military down to nothing," and as the prior speaker said, some few voices in this House wonder why we need intelligence information at all.

Despite the funding reductions that have occurred since the demise of the Soviet Union, it has been said over and over on the House floor this afternoon that Iraq, Bosnia, Haiti, Somalia, possibly to a greater degree we need more intelligence over and throughout North Korea, where we have almost no human intelligence.

I might add here that even in great humanitarian crises, like Rwanda, intelligence is the fastest way to find out how to save human lives by, in Rwanda's case, the tens of thousands. The French have already apparently changed sides from the Hutu to the Tutsi, and this puts them in great danger. When I took the well some months ago to point out a simple historical fact that is actually mind-numbing, that more people died in Rwanda in a 1-month period, the month of early April through early May, than died in all the German concentration camps, the six death camps designed just for death.

In closing, Madam Chairman, I might point out that that figure is now double through a million deaths in Rwanda. We need all the intelligence we can get. Let us stop cutting our intelligence authorization.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of my time.

Let me just say, Madam Chairman, that we have very constructive members of the committee on both sides. There is general unanimity on the issue, although some difference as to the amount to be spent on intelligence. I would just point out that in the 1970's and 1980's we had very radical, sharp increases in intelligence spending to deal with the Soviet threat, particularly the nuclear threat.

While the numbers are not going up any longer, the numbers this year are essentially a freeze of last year, 2.1 percent below the President's request and 1.7 percent below last year's appropri-

tion. So at a time when the Soviet threat is over, the numbers are not coming down in the same way that they went up in the face of the Soviet threat, because we acknowledge there remain very serious threats to this country, but they are different kinds of threats than we faced in the 1970's and 1980's.

Mr. SPENCE. Madam Chairman, I rise to join Mr. COMBEST and the rest of the Republican members of the House Intelligence Committee in expressing deep concern over the latest round of intelligence budget cuts contained in H.R. 4299. As detailed in the minority views contained in the bill report, both the administration and Congress continue to reduce the intelligence budget based on the misguided notion that the end of the cold war dictates drastic cutbacks in our national intelligence capabilities. This policy flies in the face of the reality that, from an intelligence perspective, today's multipolar world is infinitely more complex and challenging than the bipolar world of yesterday.

Further, as the technology of warfare continues to advance, today's battlefield has become increasingly dependent on timely, accurate and usable intelligence to guide precision weapon systems and make tactical judgments. This battlefield revolution dictates a need for national and tactical intelligence systems able to properly support our military forces of the future. I fear that the intelligence cuts embraced by this administration and made worse by this bill place this critical national security objective at serious risk.

Beyond these broad concerns, Mr. Chairman, I want to express strong opposition to the amendment filed by Mr. CONYERS dealing with the establishment of statutory inspector generals for the National Security Agency [NSA] and the Defense Intelligence Agency [DIA]. I similarly oppose the underlying provision already in section 601 of the bill.

When the Armed Services Committee received H.R. 4299 under sequential referral, we looked closely at this issue and agreed with the Intelligence Committee that valid and legitimate issues exist with the adequacy of IG oversight coverage for DIA and NSA. However, we disagree with the prescribed solution.

As component agencies of the Department of Defense, the DIA and NSA already have an IG—the DOD IG. The DOD inspector general is statutorily responsible for carrying out the IG function throughout the entirety of the Department, to include DIA and NSA. While many defense agencies, as well as the military services, have their own IG offices, the ultimate responsibility for this critical function remains with the DOD IG who has the necessary expertise, statutory independence, and investigative resources for the job.

Section 601 of the bill and the Conyers amendment would directly undermine this arrangement by balkanizing the IG function within DOD into separate fiefdoms. This year its DIA and NSA, next year its CIO and NRO or somebody else. Once you breach the organizational logic behind making the DOD IG universally responsible for department-wide oversight, there is no real rational basis for stopping with just these two agencies.

Mr. Chairman, I strongly oppose these provisions as they will inevitably lead to a decrease in the quality and effectiveness of IG oversight within the Department of Defense. Congress has a long historical interest in ensuring that adequate independent oversight of executive agencies is provided by IG's and I consider both of these provisions to be counterproductive.

At the end of my statement I have attached a copy of a letter the Committee on Armed Services recently received from the Department of Defense inspector general detailing the many other substantive objections to these provisions. I have also attached a copy of the letter that Chairman DELLUMS and I wrote to the Speaker discharging the Armed Services Committee from further consideration of H.R. 4299 and describing our mutual concerns with the impact of section 601.

I strongly oppose the Conyers amendment and I intend to work vigorously in the conference to modify this section of the bill to address the above-mentioned concerns.

INSPECTOR GENERAL,  
DEPARTMENT OF DEFENSE,  
Arlington, VA, July 15, 1994.

Hon. RONALD V. DELLUMS,  
Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my concern over proposed legislation (H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995) that appears to begin a process of creating multiple statutory Inspectors General (IG) offices with congressional reporting responsibilities within the same Federal department or agency. Internal oversight type activities are diffused throughout the DoD where they serve as the "eyes and ears" of command. The proposal to create statutory Inspectors General in subordinate combat support agencies such as the Defense Intelligence Agency (DIA) and the National Security Agency (NSA) would tend to undermine the efficacy of this office. I also believe that creation of such statutory IGs with reporting requirements to Congress will reduce their effectiveness within their agency.

I am opposed to any legislative proposal that would change the status of the Inspectors General of the Defense Intelligence Agency and the National Security Agency. Those Agencies are integral parts of the Department of Defense (DOD) and need not be treated any differently than the Military Departments or the other Defense Agencies. Section 601 of H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995, establishes independent statutory Inspectors General for the DIA and the NSA similar to the Inspector General for the Central Intelligence Agency. Additionally, Chairman Conyers has proposed an amendment to H.R. 4299 that would not only create statutory Inspectors General for the DIA and the NSA but would also prohibit this office from conducting any activity in any matter the Secretary of Defense deems the sole responsibility of the DIA or the NSA. The latter provision conflicts with the intent of Congress, as expressed in the Inspector General Act, as amended, that the Inspector General DoD Act, be the principal advisor to the Secretary of Defense on the prevention and detection of fraud, waste and abuse on all DoD programs, operations and components.

It is unnecessary to create a statutory Inspector General at the DIA or the NSA to ensure a reasonable level of oversight. We have

nearly 50 auditors assigned to the intelligence area. Our inspectors, investigators and other specialists also routinely cover intelligence subjects. We provided Congress with comprehensive reports of organizational inspections of the NSA and the DIA in 1992 and 1991, respectively. Further, this office has never turned down a congressional request for an audit at the DIA or the NSA; indeed, we have received very few such requests over the past several years. We have also offered to provide a classified annex to our semiannual report to provide better insight into those agencies and activities within the DoD where the bulk of the work involves classified activities.

Our relationship with the DIA and the NSA Inspectors General is consistent with the other internal oversight offices of other Defense Agencies. The relationship includes ensuring that they follow prescribed standards and policies on auditing, audit follow-up, investigations, hotline management, etc. We also rely on them to be responsive and a source of support for the senior managers of their Agencies, just as the Military Department Inspectors General serve their Chiefs of Staff and the Auditors General serve the Service Secretaries. Like other Defense Agency Inspectors General or internal review offices, they do not need or have criminal investigations capability. We provide that support.

The creation of a statutory IG for the DIA and the NSA would dramatically change this relationship and have serious adverse repercussions on our operations, especially if Chairman Conyers' proposed amendment restricting our authority were adopted. In practice that would probably result in Directors of those Agencies seeking Secretary of Defense determinations that all functions conducted by their agencies—both programmatic and administrative—are their sole responsibility, effectively eliminating any DoD IG coverage. For example, we would be unable to conduct the comprehensive review of equal employment opportunity and discrimination we recently concluded at the NSA absent the consent of the Director of the NSA. More importantly, under the proposed amendment neither the IG, DOD, nor the new statutory Inspectors General in the DIA and the NSA would have sufficient access to look at intelligence matters on a DoD-wide basis.

We have reviewed the IG organizations of the DIA and the NSA in the past and continue to monitor them. Our relationship with the Inspectors General of the DIA and the NSA is effective and working well.

I seriously hope that you will reconsider this legislation in view of the precedent it would set. If I may be of further assistance, please contact me.

Sincerely,

DEREK J. VANDER SCHAAF,  
Deputy Inspector General.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, June 24, 1994.

Hon. THOMAS S. FOLEY,  
Speaker, the Capitol, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: We write with respect to H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995, which was sequentially referred to the Committee on Armed Services until June 24, 1994.

The Committee on Armed Services will not mark-up and file a report on this legislation. We will refrain from action on the bill primarily because, although there are policies

reflected in the bill with which we disagree, we believe those policies can be addressed adequately in conference. A separate mark-up and report on the bill frankly would unnecessarily complicate consideration of the measure in the House, and we no need to do that.

The one provision that does raise concern warranting mention here is section 601 of the reported bill. This section proposes to establish statutory charters for Inspector General positions within two Department of Defense agencies—the Defense Intelligence Agency (DIA) and the National Security Agency (NSA).

A careful reading of the Intelligence Committee's report accompanying H.R. 4299 shows that issues exist in this area that may require congressional action. However, we are not convinced that statutory charters are the most effective or appropriate solution to the identified problems. The Department of Defense already has an Inspector General with the statutory responsibility to perform this critical function across the entirety of the department. Further, section 601 appears to be patterned on legislation previously used to establish an inspector general office within the Central Intelligence Agency. Since DIA and NSA are agencies of an executive department, we believe they require significantly different treatment in statute than that afforded to independent agencies.

The Committee on Armed Services stands prepared to work with the Permanent Select Committee on Intelligence in properly addressing the issues by that committee's action on H.R. 4299. We look forward to reaching an appropriate solution to these issues during conference on the bill.

Sincerely,

RONALD V. DELLUMS,  
Chairman.  
FLOYD D. SPENCE,  
Ranking Republican.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered read.

No amendment to the substitute shall be in order except those amendments printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to consideration of the bill.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1995".*

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

Mr. COMBEST. Madam Chairman, reserving the right to object, if a Member is not here now, this would not preclude him from going back to title I?

The CHAIRMAN. The whole bill would be open for amendment.



Mr. COMBEST. I thank the Chair, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

#### TITLE I—INTELLIGENCE ACTIVITIES

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The National Reconnaissance Office.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Department of State.
- (8) The Department of the Treasury.
- (9) The Department of Energy.
- (10) The Federal Bureau of Investigation.
- (11) The Drug Enforcement Administration.
- (12) The Central Imagery Office.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

##### SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of \$91,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 209 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of \$198,000,000.

#### TITLE III—GENERAL PROVISIONS

##### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

##### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

#### TITLE IV—CENTRAL INTELLIGENCE AGENCY

##### SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

- (1) in subparagraph (A)—
  - (A) by striking “, not the result of vicious habits, intemperance, or misconduct on his part,”;
  - (B) by striking “he shall deem” and inserting “the Director deems”;
  - (C) by striking “section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)” and inserting “section 5731 of title 5, United States Code”;
  - (D) by striking “his recovery” and inserting “the recovery of such officer or employee”; and
  - (E) by striking “his return to his post” and inserting “the return to the post of duty of such officer or employee”;
- (2) in subparagraph (B), by striking “his opinion” both places it appears and inserting “the opinion of the Director”; and
- (3) in subparagraph (C), by striking “, not the result of vicious habits, intemperance, or misconduct on his part,”.

#### TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

##### SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL MANAGEMENT.

(a) GENERAL PROVISIONS.—Chapter 83 of title 10, United States Code, is amended as follows:

(1) By amending the heading of the chapter to read as follows:

##### “CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL”.

(2) In section 1601—

(A) by inserting “and the Central Imagery Office” after “Defense Intelligence Agency” in subsection (a);

(B) by inserting “or the Central Imagery Office” after “outside the Defense Intelligence Agency” and inserting “, the Central Imagery Office,” after “to the Defense Intelligence Agency” in subsection (d); and

(C) by inserting “and the Central Imagery Office” after “Defense Intelligence Agency” in subsection (e).

(3) In section 1602, by inserting “and Central Imagery Office” after “Defense Intelligence Agency”.

(4) In section 1604—

(A) by inserting “and the Central Imagery Office,” after “Defense Intelligence Agency” in subsection (a)(1);

(B) by inserting “or the Central Imagery Office” after “Defense Intelligence Agency” in both places it occurs in the second sentence of subsection (b);

(C) by inserting “or the Central Imagery Office” after “Defense Intelligence Agency” in subsection (c);

(D) by inserting “and the Central Imagery Office” after “Defense Intelligence Agency” in subsection (d);

(E) by inserting “or the Central Imagery Office” after “Defense Intelligence Agency” in subsection (e)(1); and

(F) in subsection (e)(3)—

(i) by amending the first sentence to read as follows: “The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three.”; and

(ii) by striking “either” and inserting “any”.

(b) CONFORMING CHANGE TO TITLE 10.—The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

“83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel ..... 1601”.

(c) CHAPTER 23 OF TITLE 5.—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting “the Central Imagery Office,” after “Defense Intelligence Agency.”.

(d) CHAPTER 31 OF TITLE 5.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting “the Central Imagery Office,” after “Defense Intelligence Agency.”.

(e) CHAPTER 43 OF TITLE 5.—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting “the Central Imagery Office,” after “Defense Intelligence Agency.”.

(f) CHAPTER 47 OF TITLE 5.—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting “the Central Imagery Office,” after “Defense Intelligence Agency.”.

(g) CHAPTER 51 OF TITLE 5.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking “or” at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting “; or”; and

(3) by adding at the end the following:

“(xi) the Central Imagery Office, Department of Defense.”.

(h) CHAPTER 51 OF TITLE 5.—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (J);

(2) by inserting “or” after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following:

“(L) the Central Imagery Office, Department of Defense.”.

(i) ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking “and” at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) the Central Imagery Office; and”.

(2) Section 6339(a)(2) of such title is amended—

(A) by striking “and” at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (1)(E)" and inserting "paragraph (1)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;";

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (X1); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or";

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 206(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

#### SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new section:

##### "§426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States

"Notwithstanding section 552a(e)(3) of title 5 or any other provision of law, Department of Defense intelligence personnel shall not be required, outside the United States, to give notice of governmental affiliation to potential United States person sources during the initial assessment contact. For the purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter 1 of such chapter is amended by adding at the end thereof the following new item:

"426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States."

#### TITLE VI—INSPECTORS GENERAL

##### SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.

(a) DIA.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 426, as added by section 502 of this Act, the following new section:

##### "§427. Inspector General

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the Defense Intelligence Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—

(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the Defense Intelligence Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the Defense Intelligence Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Defense Intelligence Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days of receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,



the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) **AUTHORITIES OF THE INSPECTOR GENERAL.**—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Defense Intelligence Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Defense Intelligence Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Defense Intelligence Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) **RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) **SEPARATE BUDGET ACCOUNT.**—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) **TRANSFER.**—There shall be transferred to the Office the office of the Defense Intelligence Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section."

"(2) The table of sections of chapter 21 of title 10, United States Code, is amended by inserting after the item relating to section 426, as added by section 502 of this Act, the following:

"427. Inspector General."

(b) **NSA.**—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

**"SEC. 19. INSPECTOR GENERAL.**

"(a) **PURPOSE; ESTABLISHMENT.**—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the National Security Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) **APPOINTMENT; SUPERVISION; REMOVAL.**—

(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the National Security Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting,

financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the National Security Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) **DUTIES AND RESPONSIBILITIES.**—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the National Security Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) **SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.**—(1) The Inspector General shall, not later than January 31

and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) **AUTHORITIES OF THE INSPECTOR GENERAL.**—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the National Security Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an

activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the National Security Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the National Security Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) **RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) **SEPARATE BUDGET ACCOUNT.**—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) **TRANSFER.**—There shall be transferred to the Office the office of the National Security Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of In-

spector General' are hereby transferred to the Office established pursuant to this section."

(c) **CIA.**—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "foreign intelligence," and inserting "foreign intelligence and in a Federal office of Inspector General.;"

(B) by striking "or" after "analysis,;" and

(C) by striking the period at the end thereof and inserting ", or auditing.;"

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period," at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively.;" and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,;"

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

## TITLE VII—CLASSIFICATION MANAGEMENT

### SEC. 701. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than \$1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of their total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

### SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) **PLAN.**—Not later than 90 days after the date of enactment of this Act, the President shall develop a plan, and issue an executive order for its implementation, which provides for the classification and declassification of information. It is the sense of Congress that the plan should provide for the following:

(1) A test for the classification of information which balances the public's right to know



against identifiable harm to the national security which will result from public disclosure.

(2) A narrow definition of the categories of information subject to classification to avoid excessive classification.

(3) Classification periods of reasonably short duration, and a determination of the date when or event upon which declassification of such information shall occur, with a recognition that extension of such period may be required in certain circumstances.

(4) Automatic declassification at the expiration of the classification period.

(b) **SUBMISSION TO CONGRESS; EFFECTIVE DATE.**—The plan and executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such plan and proposed regulation is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

#### **TITLE VIII—COUNTERINTELLIGENCE**

##### **SEC. 801. ACCESS TO CLASSIFIED INFORMATION.**

(a) **IN GENERAL.**—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

#### **"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION"**

##### **"RULE OF APPLICATION"**

"SEC. 801. The President and Vice President, Members of the Congress (including any Resident Commissioner and Delegate to the House of Representatives), Justices of the Supreme Court, and Federal judges appointed by the President shall, by virtue of their elected or appointed positions, be entitled to access to classified information needed for the performance of their governmental functions without regard to the other provisions of this title.

##### **"REGULATIONS"**

"SEC. 802. (a) The President shall, within 180 days after enactment of this title, direct the issuance of a regulation to implement this title.

"(b) The regulation issued pursuant to subsection (a) may not take effect until after 30 days after the date on which the regulation is submitted to the Congress.

##### **"CONSENT FOR ACCESS TO FINANCIAL INFORMATION"**

"SEC. 803. Except as may be provided for in the regulation issued under section 802 of this title, after such regulation takes effect, no person shall be given access to classified information by any department, agency, or office of the executive branch unless such person has provided consent in accordance with this section. Such consent shall be provided to the investigative agency responsible for conducting the security investigation of such person, or in the case of a person who is an employee of the legislative branch or the judicial branch, to the employing office of such employee. Such consent shall be provided during the initial background investigation, for such times as access to such information is maintained, and for three years thereafter. Such consent shall permit access to—

"(1) financial records held by a financial agency or financial institution;

"(2) consumer reports held by a consumer credit reporting agency; and

"(3) records maintained by commercial entities within the United States pertaining to any travel by the person outside the United States.

##### **"REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES"**

"SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or consumer credit reporting agency such financial records and consumer reports as are necessary in order to conduct any

authorized law enforcement investigation, foreign counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

"(2) Requests may be made under this section where—

"(A) the records sought pertain to a person who is or was an employee required, as a condition of access to classified information, to provide consent, during a background investigation, for such time as access to the information is maintained, and for three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

"(B) there are reasonable grounds to believe, based upon specific and articulable facts available to it, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or in the course of any background investigation or reinvestigation, an issue of otherwise unexplained affluence or excessive indebtedness arises.

"(3) Each such request shall—

"(A) be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

"(i) the person concerned is an employee within the meaning of paragraph (2)(A);

"(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

"(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

"(B) contain a copy of the agreement referred to in subparagraph (A)(iii);

"(C) identify specifically or by category the records or information to be reviewed; and

"(D) inform the recipient of the request of the prohibition described in subsection (b).

"(4) The authorized investigative agency shall promptly notify the person who is the subject of a request under this section relating to a background investigation or reinvestigation for records, reports, or other information.

"(b) Notwithstanding any other provision of law and except as provided in subsection (a)(4), no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

"(c)(1) Notwithstanding any other provision of law except section 6103 of the Internal Revenue Code of 1986, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

"(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a

private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

"(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or foreign counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency relating to security determinations, law enforcement, or counterintelligence.

"(f) Any agency that discloses records or information received pursuant to a request under this section in violation of subsection (e) shall be liable to the person to whom the records relate in an amount equal to the sum of—

"(1) \$100, without regard to the volume of records involved;

"(2) any actual damages sustained by the person as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce liability, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(g) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

##### **"DEFINITIONS"**

"SEC. 805. For purposes of this title—

"(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal;

"(2) the term 'authorized investigative agency' means—

"(A) an agency authorized by law or regulation to conduct foreign counterintelligence investigations or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

"(B) in the case of the House of Representatives, an agency designated by the Speaker of the House;

"(C) in the case of the Senate, an agency designated by the President pro tempore of the Senate;

"(D) in the case of an agency of the legislative branch, an agency designated by the head of such agency; and

"(E) in the case of the judiciary, an agency designated by the Director of the Administrative Office of the United States Courts, under the direction of the Chief Justice of the United States;

"(3) the term 'classified information' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

"(4) the term 'consumer credit reporting agency' has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

"(5) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or

an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

"(6) the term 'employee of the legislative branch' means an individual (other than a Member of, and a Resident Commissioner or Delegate to, the Congress) whose salary is paid by—

"(A) the Director of Non-legislative and Financial Services of the House of Representatives;

"(B) the Secretary of the Senate; or

"(C) an agency of the legislative branch;

"(7) the terms 'financial agency' and 'financial institution' have the meaning given such terms in section 5312 of title 31, United States Code; and

"(8) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

#### "EFFECTIVE DATE

"SEC. 806. This title shall take effect upon the issuance of a final regulation pursuant to section 802."

(b) CONFORMING AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

#### "TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"Sec. 801. Rule of application.

"Sec. 802. Regulations.

"Sec. 803. Consent for access to financial information.

"Sec. 804. Requests by authorized investigative agencies.

"Sec. 805. Definitions.

"Sec. 806. Effective date."

#### SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States."

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794, or 798 of title 18, United States Code; or

"(B) section 4 of the Subversive Activities Control Act of 1950."

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

"204. Rewards for information concerning terrorist acts and espionage ..... 3071".

(2) The heading for chapter 204 of such title is amended to read as follows:

#### "CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE".

#### SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

#### "§3239. Espionage and related offenses not committed in any district

"The trial for any offense involving a violation of—

"(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947; or

"(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950,

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

"3239. Espionage and related offenses not committed in any district."

#### SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States ir-  
respective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)), shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States."

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by

striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(e)(1) Any person convicted of a violation of this section shall forfeit to the United States ir-  
respective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States."

#### SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General of the United States certifies to the agency administering the annuity or retired pay concerned—

"(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(C) that such conviction occurred after the date of enactment of this subsection.

"(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney



General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned."

**SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN PERSONNEL WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE.**

**(a) CONSOLIDATION OF AUTHORITY.—**

**(1) IN GENERAL.**—Chapter 81 of title 10, United States Code, is amended by adding at the end the following:

**"§1599. Post employment assistance regarding certain civilian intelligence personnel**

"(a) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist a civilian employee who has been in a sensitive position in an intelligence agency or component of the Department of Defense and who is found to be ineligible for continued access to Sensitive Compartmented Information and employment with the intelligence agency or component, or whose employment with the intelligence agency or component has been terminated—

"(1) in finding and qualifying for subsequent employment;

"(2) in receiving treatment of medical or psychological disabilities; and

"(3) in providing necessary financial support during periods of unemployment.

"(b) Assistance may be provided under subsection (a) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(c) The Secretary may, to the extent and in the manner determined by the Secretary to be appropriate, delegate the authority to provide assistance under this section.

"(d) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.

"(e) For the purposes of this section, the term 'intelligence agency or component' means the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence components of the military departments."

"(2) The table of sections of Chapter 81 of such title is amended by adding after the item relating to section 1598 the following new item:

"1599. Post employment assistance regarding certain civilian intelligence personnel."

**(b) REPEAL OF DUPLICATIVE AUTHORITY.—**

**(1) DEFENSE INTELLIGENCE AGENCY.**—Paragraph (4) of Section 1604(e) of title 10, United States Code, is repealed.

**(2) NATIONAL SECURITY AGENCY.**—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

**(c) SAVINGS PROVISION.**—The repeals made by subsection (b) do not affect rights and duties that matured before the date of enactment of this section.

**AMENDMENT OFFERED BY MR. GLICKMAN**

Mr. GLICKMAN. Madam Chairman, I offer an amendment, printed in the

RECORD of July 12 at page H552. It is the open-budget amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of title I (page 4, after line 23), add the following:

**SEC. 104. PUBLIC DISCLOSURE OF INTELLIGENCE BUDGET.**

**(a) AMOUNTS EXPENDED AND AMOUNTS REQUESTED.**—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end of title I the following new section:

**"ANNUAL REPORT OF AMOUNTS EXPENDED AND AMOUNTS REQUESTED FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES**

**"SEC. 109.** At the time of submission of the budget of the United States Government for a fiscal year under section 1105(a) of title 31, United States Code, the Director of Central Intelligence shall submit to the Congress a separate, unclassified statement of the aggregate amount of expenditures for the fiscal year ending on September 30 of the previous calendar year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities of the Government."

**(2)** The table of contents at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 108 the following new item:

**"Sec. 109. Annual report of amounts expended and amounts requested for intelligence and intelligence-related activities."**

**(b) CONGRESSIONAL AUTHORIZATION OF INTELLIGENCE ACTIVITIES.**—Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

**(1)** by redesignating subsection (e) as subsection (f); and

**(2)** by inserting after subsection (d) the following:

**"(e)** A bill or joint resolution, and any amendment thereto, which authorizes the appropriation of funds for a fiscal year for all intelligence and intelligence-related activities of the United States may set forth in an unclassified statement the aggregate amount of funds authorized to be appropriated in that bill or resolution for such fiscal year for intelligence and intelligence-related activities of the United States."

**(c) EFFECTIVE DATE.**—(1) The amendment made by subsection (a) shall take effect with respect to the budget submitted for fiscal year 1996.

**(2)** The amendment made by subsection (b) shall take effect with respect to bills, resolutions, and amendments, authorizing the appropriation of funds for all intelligence and intelligence-related activities of the United States for fiscal year 1996.

Mr. GLICKMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Texas [Mr. COMBEST], and 20 minutes controlled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

□ 1640

Mr. GLICKMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this is the 17th authorization bill which the Intelligence Committee has brought to the House floor. Although those bills have had many differences, they have shared one common characteristic. The amounts they have authorized for intelligence and intelligence-related activities could not be discussed publicly. The intelligence budget, in almost all of its component figures and certainly in the aggregate, has been classified since the advent of the modern intelligence community immediately following World War II. It remains classified today.

Despite a constitutional requirement that there be a public accounting of the expenditure of public moneys, Congress has taken the position that, for the intelligence budget, national security concerns outweigh the taxpayer's right to know. During the cold war, this position was defensible, but we now live in a different world, and it is time for that position to be reexamined.

The amendment I am offering with the gentleman from New Jersey [Mr. TORRICELLI] would provide for the annual public disclosure of the aggregate amount spent on, and requested for, intelligence programs and activities. Only disclosure of the total amount would be required, not disclosure of the budget of any intelligence agency nor the amount spent on a particular intelligence operation.

Under existing standards, information may only be classified if its disclosure reasonably could be expected to cause damage to the national security. Earlier this year, the Intelligence Committee held 2 days of hearings on the classification of the intelligence budget. I was not persuaded that national security would be imperiled in any way by making the aggregate figure public. The Soviet Union, the only entity with an arguable capacity to profit from knowing the yearly sum of the amounts the United States spends on intelligence, no longer exists. It is difficult to imagine any potential enemy for whom possession of the aggregate U.S. intelligence budget figure would make any difference. Besides, that number is probably the worst kept secret in Washington right now.

The witnesses who argued at the hearings for continued classification did so either on the grounds that an aggregate figure would have no meaning

to the average American, or that disclosure of the aggregate figure would be just the first step down a "slippery slope" which would inevitably lead to the disclosure of programmatic details. Neither of these arguments provide a grounds for classification. The utility of the information is irrelevant, and questions about whether to extend disclosure beyond the aggregate figure would have to be decided on their own merits weighing the public's right to know against national security interests.

Unless a justification on national security grounds exists, keeping the intelligence budget total secret only serves to prevent the American taxpayer from knowing how much money is spent on intelligence, and that is why the National Taxpayers Union has endorsed this amendment. I do not accept the notion that, if the public knew how much it costs to maintain a robust intelligence capability that there would be no support for it. On the contrary, a strong case can be made publicly about the essential role played by intelligence in helping policymakers respond to threats such as weapons proliferation and terrorism. As the public's understanding of why the United States must continue to possess a preeminent ability to collect, analyze, and disseminate intelligence grows, so too will support for the necessary funding. Continuing to classify the aggregate budget figure in the absence of a justifiable reason to do so only deepens the suspicion that secrecy is necessary to protect a budget which cannot otherwise be defended.

Madam Chairman, let us strike a blow for open government today by adopting this amendment. I am convinced that no damage to the national security will result. I am convinced that the American people should know in the aggregate what we spend on intelligence in the same way they know in the aggregate what we spend on defense or on the Justice Department programs. That is their right to know as a taxpayer of this great Nation of ours. Classification should be reserved for that information which truly needs to be kept secret. The aggregate intelligence budget figure is not that kind of information.

Madam Chairman, I reserve the balance of my time.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, with great respect I disagree completely with the gentleman from Kansas [Mr. GLICKMAN], my friend. He said the cold war is over.

Madam Chairman, the bear is sleeping. The bear is not dead.

There are still, Madam Chairman, 45,000, give or take, nuclear missiles extant over there, and our former concerns about the cold war ought to be

supplanted with the problem of nuclear proliferation and terrorism. We are told there will be some 20 countries with the capability by the end of this decade of delivering a nuclear missile. That ought to bother us. Our lack of information about North Korea, the Middle East, and Nagorno-Karabakh; the nature of the problems are more difficult now than if we just had the good old Soviet Union to worry about.

But the question is what good, what possible good, is served by making public a number that people continue to speculate about. There are six committees, subcommittees, of this Congress that have that information handed to them: The Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, in the House and in the Senate. Why do we need an intelligence committee? We need it to represent the rest of us, to get information that ought to remain secret. Why is the aggregate of the budget for the intelligence agency secret? Because any additions would have to be justified and explained.

Madam Chairman, any new appropriation will provoke the question, What do we need this for? More satellites? More covert resources? More people who can speak Farsi or Pushtoon? This is information that Congress receives through its appointed subcommittees, and any Member who really has a burning need to know what that aggregate figure is can go up and look at it. It is available in the classified annex.

What useful purpose is served by making it public? I will tell my colleagues what purpose is served: to let people speculate on what it is for, how much goes for this and this, how much goes to the DIA, how much goes to the CIA, how much for overseas.

It is wrong, Madam Chairman. It is mischievous, and it just is not necessary, and, recognizing my time is up, I just say that the gentleman said the utility of this information is irrelevant. I really do not think he means that because anything that is irrelevant, we ought not to waste our time on.

Mr. GLICKMAN. Madam Chairman, I yield 7 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, as the cold war entered its last decade, the CIA was estimating that the Soviet Union had an economy two-thirds the size of our own and closing fast. The decade before, they failed to notice the Egyptian preparation to invade Israel or the Soviet invasion of Afghanistan, only to be outdone by their failure to recognize that Iraq was invading Kuwait.

Historians may conclude that the United States won the cold war because of the strength of our culture, or our economy, or the courage of our sol-

diers, but the simple truth is that an American intelligence community that was not properly supervised, or restrained, or directed, failed in the intelligence war against communism.

It is now time to understand these lessons and prepare the CIA for a very different post-cold-war environment because, while the Defense Department and every component of the Pentagon is preparing for this new time, new budgets, new training, new assignments, the intelligence community is not, and that is not only a waste of resources, but it is dangerous in not preparing for new dangers in a new environment.

□ 1650

This country does indeed face new hostilities, narco-traffickers, terrorism, Third World conflicts, but with an intelligence community that is stuck in time, stuck in time like any other department of a government that was not properly and thoroughly under the scrutiny of the American people. Not an intelligence community, not 5 or 10 Members of Congress, but the American public, like every other branch of government. The simple truth is that change will never occur until this shroud of secrecy is lifted and accountability is established.

The truth is, the secrecy of the intelligence community, the hiding of their budgets, does not protect them against any foreign adversary. It protects them against the American people. It protects them against accountability for waste or fraud or mismanagement or poor leadership. These are the things that are happening.

I understand that there was once a rationale. In the cold war we made all kinds of compromises, with civil liberties, our best instincts, the things that were most important. We wiretapped, we supported dictators. We made all kinds of compromises. But at this point, those compromises are not possible, nor are they necessary.

The gentleman from Illinois argues that, indeed, the Soviets are a looming danger to return again. Russia has been invited into NATO. They are going to be doing joint exercises. They come to the Group of Seven nations with our President to plan our economic future.

But, still, we are not arguing the intelligence community should not do planning. We are not arguing that most of what they do should not be in secrecy. We are arguing that their gross budget number should be shared with the American people. That is all.

Is this the proposal of some wild group of fanatics? It has been endorsed by two former Directors of the CIA, passed twice in the sense-of-the-Senate resolution by the U.S. Senate, endorsed even by the President of the United States during his last campaign, and now by the chairman of the Permanent Select Committee on Intelligence.



No wild idea. The intelligence community itself, for almost 20 years, has had leadership that has discussed it or proposed it. These new adversaries, the Cubas, the Iraqs, the Libyas, what is it they would gain if we were to share this information with the American people? The argument with the Soviet Union was clear. If they knew our total spending, they could duplicate it. They could understand what we were doing and dissect it.

What is it that Libya would gain, or Iraq? If the public press is to be believed, the truth is the American intelligence community today spends more money—by the popular press—than the total military establishments of all but four nations on Earth. Indeed, the popular press claims that the U.S. intelligence community is not only more than the defense establishments, but more than the gross national product of every one of the states on the terrorist lists and all those that have been cited on this floor as potential adversaries.

My colleagues, for this system to work, for efficiency, and, indeed, for our national security, only one group can be trusted with the truth for accountability and performance. It is the American people. For 42 years we have made a gross exception to the U.S. Constitution which our Founding Fathers recognized would offer protection against abuses in Government. Article 1, section 9, clause 7, we were required to give a regular statement and account of expenditures to the people of the United States. We have overlooked that, for grave national security purposes in the cold war, as we did in the war before it. We can no longer justify this constitutional exception.

I urge my colleagues to cast this vote, so that every vote you cast after it can be informed. Because without it, the amendment that will follow for a 10-percent cut, the amendment that will follow for other cuts, the vote itself on this budget, in good faith, few Members but those on the Permanent Select Committee on Intelligence themselves should cast.

Otherwise, you should come to this floor and cast a vote for "present," because a 10-percent vote may be too much; it may be too little; it may be just right. The truth is, you do not know, and the American people do not know, unless we share this one number and let them know what is being done for their own security. Surely we owe them that much, to trust them with this simple information.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Chairman, notwithstanding the eloquence of our previous speaker, I do not think he would want to mislead anyone into believing the President supports this amendment today. He did

mention this as a candidate, when he was campaigning. But once candidate Clinton became President Clinton, he recognized that governing is a lot more different than campaigning. A statement from the Executive Office of the President dated July 19, sent to the Congress today, says: "The administration opposes any change to H.R. 4299 that would disclose or require the disclosure of the aggregate amount of funds authorized for intelligence activities."

I think it is very clear that the President opposes this amendment today.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I am somewhat taken aback by the antipathy demonstrated by the gentleman from New Jersey for secrecy. The secrecy that has characterized the behind closed doors meetings on the health care reform has been epidemic. The secrecy on the crime bill, the meetings among the Democrats trying to work their problems out, I have yet to be called to a meeting, and I am a conferee on the crime bill. Why they should oppose secrecy in the intelligence aggregate I can't imagine.

Now, I served on the Permanent Select Committee on Intelligence for several years. I served under several chairmen. I can think of the gentleman from Ohio, the gentleman from California, the gentleman from Oklahoma, and the present gentleman from Kansas. Are they not doing their jobs?

As I heard the gentleman from New Jersey complain, proper oversight is not being accorded the intelligence agencies. Why, I thought that was the function and the purpose of the intelligence committees. The do their job, in the Senate and the House, not only the intelligence committees, but the Committee on Armed Services in the Senate and House, and the Committee on Appropriations in the Senate and the House, and you can get the total figure in the classified annex. There is really no pervasive secrecy, but there is no need for this to be made public.

So I just am not persuaded at all by the gentleman from New Jersey.

Mr. COMBEST. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have a statement I would include for the RECORD. I do not want the body to think that my not reading this statement is any indication of my concern or lack of concern about this amendment. It is not.

I would like to just point out a few things. This House had a vote last year about this time. I think maybe with two or three exceptions, every Member of the House that is a Member today was a Member at that time. A similar amendment was defeated by almost 100 votes.

I strongly oppose the gentleman's amendment. He knows it is done in

good faith. It is just a difference in direction and feeling. The Director of the CIA, Mr. Woolsey, has repeatedly indicated this is a bad idea. As the gentleman from Florida pointed out, the administration's policy statement is in opposition to this amendment or the effect of this amendment.

□ 1700

Madam Chairman, do I think that it would be a disaster if this amendment passed? I mean honestly I could not say that it would be. The gentleman had indicated that this is probably the worst kept secret in town. Could be.

But any time that there is an article written and there is an assumed amount, whatever it may be, approximately X amount spent on intelligence, it is always a part of a story on some other subject. If, in fact, we do release publicly the amount that is expended on intelligence, that will become the story. And then at that point, the components of intelligence will become the other parts of the story, with endeavors to find out exactly what we are spending on the variety of component parts.

And will it lead to other disclosures about other portions of intelligence? I think it will. And I would predict that it would. I think this is one of those instances, Madam Chairman, that we should err on the side of caution. I can understand the interest in some Members in making this public for the public's standpoint, but the figure itself would do nothing to inform the public. It would only be that we would have to go into the intricate details of many highly classified programs to truly get at where the money is going.

I do not see, when I come to work every day, people lining the halls to visit their Members of Congress to suggest to them that we should make the intelligence budget public. I think people understand that there are things that have got to be kept secret, that there are things because of national security that are best not divulged as no other nation, democracy in the world that has an intelligence community does release their figure. And I think that, in prudence, that this amendment should be defeated, that we should continue on the path that we are and that if we are going to err, Madam Chairman, we err on the side of caution.

Madam Chairman: I strongly oppose the amendment to disclose the total budget for the U.S. intelligence community. Disclosure of the aggregate intelligence budget would be the first step down a road to disaster for our national security.

The CIA Director, James Woolsey, has repeatedly stated that this is a bad idea. President Clinton thinks so as well. In fact, non-disclosure has been the practice of every President since Truman. The President is right to oppose disclosure because it will endanger our national security.

It would hinder our ability to collect timely and accurate intelligence on the capabilities

and intentions of foreign powers. Publishing the annual intelligence budget totals would, over time, give potential adversaries growing insights into our intelligence capabilities and priorities, especially when that information is correlated with information they obtain from espionage and other means. This will help our adversaries' efforts to counter our capabilities. With the rapidly growing availability of ever more powerful computer technology, more countries will be capable of correlating and analytically exploiting this information. Moreover, some cooperating foreign governments which share important intelligence with us, on condition of secrecy, may very well become concerned about what confidential information Congress will decide must be disclosed next and reduce their cooperation with our Government. Both of these factors can harm our intelligence efforts.

I can understand those who in the spirit of openness believe that the American people need to know how much money is being spent on intelligence. However, a misinformed electorate is worse than an uninformed electorate. Providing the total intelligence budget alone is tantamount to misinforming the American people. Without knowledge of any of the principal components of the budget, that number is meaningless to the nonexpert. How will they make judgments as to whether we should increase or decrease this number? Or, for example, whether we should spend more on satellites or less on human intelligence? They will not be able to without more information. But, to provide more information provides more data helpful to those whose interests are hostile to those of the United States.

How much information is enough? Clearly, release of the aggregate budget is only the beginning. As I have already said, the number alone is meaningless to the American public without more data on what the key program elements are in the total figure. Once begun, there will be no end to pressure to disclose more and more information on the budget, intentionally and unintentionally, in a frustrated effort to explain how we arrived at the total and why it changed from one year to the next. Then, it will be why can't we disclose the total budget for each component agency in the intelligence community, or for substantive programs such as counterterrorism, nonproliferation, or support for military forces. I expect there would also soon be a move to disclose how many people work in the intelligence community. Once again, the total number of personnel working on intelligence would be meaningless to the average citizen without further breakdown. Again, we would walk a path with no end in sight except for, in my view, great harm to our Nation's first line of defense.

We still have an array of enemies lined up against us. Greater instabilities seem to be befalling the world. Russia has the potential of turning into a state posing an even greater threat to world stability than the Soviet Union. Will the Ukraine really honor its recent commitment to denuclearize? Will North Korea allow intrusive IAEA inspections? How are we going to verify its protests that it is not building a nuclear weapon? Can Kim Chong-il hold on to power, and what policies will he carry out? Intelligence will be critical to our efforts to verify their claims. As President Ronald Reagan said repeatedly, "trust but verify."

We can ill-afford to take chances with our national security, especially when there is no discernible offsetting benefit. Disclosure would not add a whit to the already high level of accountability which is the result of the most extensive and microscopic system of legislative oversight of intelligence budgets and activities in the world. If the intelligence budget is to be cut, so be it. But, this should be done by the Congress and the committees it has tasked with the primary oversight responsibility after full consideration of both the cost and value of what is to be cut. Disclosure is not a calculated risk. It is neither necessary nor useful. It is a reckless roll of the dice. Accordingly, I continue to vigorously oppose any initiative to disclose the aggregate total for the intelligence budget.

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself 1 minute.

There are other countries that do release parts or all of their intelligence budget. But part of this has to do with the general philosophy of government. What is it that we keep secret? We keep secret those things that relate directly to national security. All else the public should know. That was the Founding Fathers' argument in this great country of ours. That is why they said, we shall have a statement of account of all expenditures, receipts and expenditures, because these are hard-earned tax dollars paid by people.

Yes, they may not be lining my offices to find out what we spent on intelligence, but they want to know how their government is spending their money generally. After all, they are hard-earned tax dollars. So to justify keeping something secret has to relate to national security.

The aggregate intelligence budget does not. Yes, it is true if we break it down, it might. We are not talking about doing that here. But we are saying, just as people need to know what we spend on defense and agriculture and the Federal judiciary, so should they know in the aggregate what we spend on intelligence functions.

Madam Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Madam Chairman, I think the gentleman from Texas has his finger on the issue, which is, on what side do we err.

He would have us err on the side of caution, but where is caution here? Caution, it seems to me, is fulfilling, as the gentleman from Kansas [Mr. GLICKMAN] has suggested, the fundamental premise of this democracy which is trusting the people of this country with information about their government, unless, unless a real and substantial burden of proof is satisfied that the information, if disclosed, would risk our national security or our clear national interest.

The gentleman, again, rhetorically asks, what difference would it make if

this information is out there? I would offer in rebuttal that it is not appropriate for us to be so paternal toward the people of this country as to pre-judge what information is to be found useful to them or not about their government.

They have a right to know unless we can demonstrate clearly that disclosure would harm our national security.

And this is not without some modest risk, but I think the risk is in the next iteration, not this iteration. And the slippery slope argument that we have all heard about this, that if we disclose this number, what is next, there need not be a next. But this information, this overall aggregate number really is a significant piece of information by which the American public can judge the operations of their government, the priorities that this Congress has in its stewardship of their public tax dollars and of our public responsibility.

Absent a clear and overriding national security interest, which I do not think can be sustained here, we ought to be able to present this information to the people about how we are spending their money.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Madam Chairman, I rise in strong opposition to the amendment by the distinguished chairman of the Permanent Select Committee on Intelligence. While we all can read and understand the Soviet Union does not exist anymore and, therefore, some would say we no longer have a need to keep the intelligence budget figure aggregate figure secret, many of us on this committee, indeed anyone that reads very much knows there are pressures in the Russia federation, the Republic of Russia, to bring this empire back into existence and indeed much of the military capability of the Soviet Union still exists intact.

I wonder why it is necessary, after the history of our Nation of having a secret intelligence budget, why it becomes necessary in this unstable world that we have today, with hot spots throughout, to bring this intelligence budget figure public, after these many years of history of keeping its secret.

Once it is disclosed, I ask the distinguished chairman or anyone else, how do we get it secret again, when world events predictably can and probably will change that will cause us to see a need as we have done in the past to have that intelligence budget secret?

It is difficult to explain this number. What good does it do if we tell the American people what the aggregate bottom line number is without saying what it means? And then having to divide it between the civilian side of the intelligence over at the CIA and then trying to explain the military side of it. I would say to those that say it will open the slope to go down and ask



more questions and those who want to reveal this figure will indeed say to justify the figure, we have to reveal more.

I would urge my colleagues to oppose this amendment and keep the budget figure secret.

Mr. GLICKMAN. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, there is, at least at this point in the debate, things upon which we can agree.

It was suggested by the gentleman from Texas that, in fact, no one has seen people lining the Halls of the Congress demanding this information. That is the point. That is exactly the point.

Speaking hypothetically, if the American people knew, if the facts sustained it, that in fact we came to a conclusion that we could reduce military spending because the Nation was secure, but not intelligence spending, if they thought in their own minds the future of the country would be decided by education and job training, but the resources were going into intelligence, they would be lining these Halls. That is the point. The people are removed from the judgment.

At the end of the day, we have to ask ourselves why. It is not only bad policy. It is against the law. The Constitution requires it and for a reason. Can anyone rise on this floor and say that if Qadhafi or Saddam Hussein had this information the Nation would be imperiled? What would they do with it? They can read in newspapers what the estimates are. They could not possibly duplicate it.

The only protection this number's withholding is given is scrutiny of the agency itself. Spies are caught but the public cannot demand cuts because they do not know what the number is from.

□ 1710

There are inefficiencies. Members are not getting information. There are the wrong priorities, but it is not justified.

Madam Chairman, this is not because we care about national security less. It is because we care about it more. The intelligence community did not adequately serve this country at a moment of great peril. There are still dangers in the world, and if it is going to serve it in the future, we need public accountability. This is a responsible vote, supported by leadership for the last 20 years of the CIA, and now the leadership of this committee. Vote for the amendment.

Mr. COMBEST. Madam Chairman, I yield myself such time as I might consume in conclusion.

Madam Chairman, I would just say there is a dangerous slope that we are moving toward, and that is moving toward the beginning of a disclosure of

very highly classified and sensitive programs. I would also mention that while it was mentioned earlier that there were, I believe, two former heads of the CIA who supported it, I might say every President since Truman has opposed it, including the current President, in both rounds, and the current DCI, for concerns of where it might lead us. I would urge my colleagues to oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] is recognized for 3½ minutes.

Mr. GLICKMAN. Madam Chairman, I thank my colleague, the gentleman from Texas. I know we disagree on this issue, but we agree on more issues than we disagree on, and we are very agreeable even on the disagreements.

Madam Chairman, I want to repeat to my colleagues, the National Taxpayers Union has endorsed this amendment, and I want to read from their letter to me and to the gentleman from New Jersey [Mr. TORRICELLI]:

The time has come to carefully direct the light of accountability to a budget area long shrouded in darkness. There is no longer any valid reason why the total annual amounts spent on the intelligence budget should remain as secret as the individual projects within the same budget.

Your amendment, in our view, reflects the proper balance between changing times and the continuing need for some secrecy. No actual or potential U.S. adversary could gain an advantage merely by knowing our Nation's overall expenditure on intelligence activities. Your amendment protects our national security because specific funding for individual intelligence missions would remain secret.

The National Taxpayers Union endorsement I think is a very important one for this bill, for this amendment, Madam Chairman.

I want to talk for a moment, Madam Chairman, about what two prior directors of the CIA have said about this amendment. Mr. Gates, during his nomination process to be head of the Central Intelligence Agency in September 1991, before the Senate Select Committee on Intelligence, said the following:

My own view is that at a certain point, if the Agency is to play the role that I think it needs to play, we're going to have to take some chances. And so, from my personal perspective—and it's not ultimately my decision, I suppose, but the President's—I don't have any problem with releasing the top line number of the Intelligence Community budget. I think we have to think about some other areas as well. But, as I say, it's controversial.

Later on, on February 23, 1994, I asked Director Woolsey and former Director Gates:

I want you to tell me what damage would be done to national security from the disclosure of just the aggregate intelligence figure \* \* \*.

Here is Director Woolsey:

Setting aside the issue \* \* \* of the so-called "slippery slope" \* \* \* then acknowledged changes in the total year to year would become far more likely to require precise justification in the public debate \* \* \*. Formal acknowledgement of the level would put substantial pressure on executive branch officials and those who participate in the debate in the Congress to give reasons for those changes publicly. That is a big part of my problem.

My own belief is, I respond to that kind of thing with the question, "Isn't democracy troublesome? Isn't it difficult to have to justify changes, aggregate changes, in budgets?" Yes, it is inconvenient, and potentially it is a problem, but the question is does it violate our national security to disclose the aggregate budget figure. Director Woolsey, while he does not want to do it, does not say it violates national security.

Mr. TORRICELLI. Madam Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from New Jersey.

Mr. TORRICELLI. Madam Chairman, in addition to Director Woolsey, in fact, Stansfield Turner, a former Director, Mr. Gates, Bobby Inman, the people who have been the pillars of the American intelligence community, have all come to that judgment that it would be in our interest, not against our interest.

Mr. GLICKMAN. Madam Chairman, in all fairness, Director Woolsey does not say he is for it, but he does not give the reason that it is a national security problem.

Mr. TORRICELLI. If the gentleman will continue to yield, and the others have all come out for it.

Mr. GLICKMAN. Former Director Gates on February 23, 1994, again, 3 years later, says the following:

It seems to me that there is nothing intrinsically sensitive about the aggregate figure of the budget for the American intelligence community. A general notion of what that figure is broadly about is already public \* \* \*. Since most people have a fairly good idea of what the aggregate number is, I then puzzle over why there is the desire to make that number official and to confirm it \* \* \*. I think it is a mistake officially to confirm it \* \* \*.

Madam Chairman, I would, parenthetically, say he has changed his position slightly there.

Then he goes on: "Once confirmed officially, it makes it impossible not to begin to break" it down and to explain what it is about.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. GLICKMAN. Madam Chairman, I guess my point is that all this discussion is based on the idea that it is inconvenient. It is difficult to talk about this issue, because then we are going to have to explain it to the American people. Again, Madam Chairman, I say that is what democracy is about. I urge the adoption of my amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. COMBEST. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 24, as follows:

[Roll No. 332]

## AYES—194

Abercrombie	Hastings	Peterson (FL)
Ackerman	Hefner	Peterson (MN)
Andrews (ME)	Hilliard	Pomeroy
Andrews (NJ)	Hinchey	Poshard
Bacchus (FL)	Insee	Price (NC)
Barca	Istook	Rahall
Barcia	Johnson (SD)	Rangel
Barrett (WI)	Johnston	Ravenel
Becerra	Kanjorski	Reed
Bellenson	Kennedy	Reynolds
Berman	Kennelly	Roemer
Billirakis	Kildee	Rohrabacher
Bonior	Klecza	Rose
Brooks	Klein	Rostenkowski
Brown (CA)	Klug	Roth
Brown (OH)	Kreidler	Roybal-Allard
Cantwell	Lambert	Rush
Carr	Lancaster	Sabo
Clay	Leach	Sanders (TX)
Clayton	Lehman	Sangmeister
Clement	Levin	Sawyer
Clyburn	Lewis (GA)	Saxton
Coble	Lipinski	Schenk
Collins (GA)	Long	Schroeder
Collins (IL)	Lowe	Schumer
Collins (MI)	Maloney	Scott
Conyers	Mann	Sensenbrenner
Coppersmith	Manton	Serrano
Costello	Margolies-	Sharp
Coyne	Mezvinsky	Shays
Danner	Markey	Shepherd
de Lugo (VI)	Matsui	Skaggs
Deal	Mazzoli	Slaughter
DeFazio	McCloskey	Smith (IA)
DeLauro	McDermott	Spratt
DeLuums	McHale	Stark
Derrick	McKinney	Strickland
Dicks	McNulty	Studds
Dixon	Meehan	Stupak
Dooley	Meek	Swift
Duncan	Menendez	Switt
Durbin	Mfume	Synar
Engel	Miller (CA)	Thomas (CA)
English	Mineta	Thornton
Eshoo	Minge	Thurman
Evans	Mink	Torres
Farr	Moakley	Torricelli
Fazio	Molinari	Towns
Fields (LA)	Moran	Trafigant
Filner	Murphy	Tucker
Fingerhut	Nadler	Unsoeld
Flake	Neal (MA)	Valentine
Foglietta	Neal (NC)	Velazquez
Frank (MA)	Norton (DC)	Vento
Furse	Nussle	Waters
Gedensson	Oberstar	Watt
Gephardt	Obey	Waxman
Gibbons	Olver	Wheat
Glickman	Orton	Whitten
Gonzalez	Owens	Williams
Green	Pallone	Woolsey
Gutierrez	Pastor	Wyden
Hamburg	Payne (NJ)	Wynn
Hamilton	Pelosi	Yates
Harman	Penny	Zimmer

## NOES—221

Allard	Baessler	Bartlett
Andrews (TX)	Baker (CA)	Barton
Applegate	Baker (LA)	Bateman
Archer	Ballenger	Bentley
Armey	Barlow	Bereuter
Bachus (AL)	Barrett (NE)	Bevill

Bilbray	Hall (TX)	Montgomery
Bliley	Hancock	Moorhead
Blute	Hansen	Morella
Boehert	Hastert	Murtha
Boehner	Hayes	Myers
Bonilla	Hefley	Ortiz
Borski	Herger	Oxley
Browder	Hoagland	Packard
Brown (FL)	Hobson	Parker
Bunning	Hochbrueckner	Paxon
Burton	Hoekstra	Payne (VA)
Buyer	Hoke	Petri
Byrne	Holden	Pickett
Callahan	Horn	Pickle
Calvert	Houghton	Pombo
Camp	Hoyer	Porter
Canady	Huffington	Portman
Cardin	Hughes	Pryce (OH)
Castle	Hunter	Quillen
Chapman	Hutchinson	Quinn
Clinger	Hutto	Ramstad
Coleman	Hyde	Regula
Combest	Inglis	Ridge
Condit	Inhofe	Roberts
Cooper	Jefferson	Rogers
Cox	Johnson (CT)	Romero-Barcelo
Cramer	Johnson (GA)	(PR)
Crane	Johnson, E. B.	Roukema
Crapo	Johnson, Sam	Rowland
Cunningham	Kaptur	Santorum
Darden	Kasich	Sarpalius
de la Garza	Kim	Schaefer
DeLay	King	Schiff
Deutsch	Kingston	Shaw
Diaz-Balart	Klink	Shuster
Dickey	Knollenberg	Siskis
Dingell	Kolbe	Skeen
Doolittle	Kopetski	Skelton
Dorman	Kyl	Smith (MI)
Dreier	LaFalce	Smith (OR)
Dunn	Lantos	Smith (TX)
Edwards (TX)	LaRocco	Snowe
Ehlers	Laughlin	Solomon
Emerson	Lazio	Spence
Everett	Levy	Stearns
Ewing	Lewis (CA)	Stenholm
Fawell	Lewis (FL)	Stump
Fields (TX)	Lewis (KY)	Sundquist
Fish	Lightfoot	Talent
Ford (MI)	Linder	Tanner
Fowler	Livingston	Tauzin
Frank (CT)	Lloyd	Taylor (MS)
Frank (NJ)	Lucas	Taylor (NC)
Galleghy	Manzullo	Tejeda
Gekas	McCandless	Thomas (WY)
Geren	McCollum	Thompson
Gilchrist	McCrery	Torkildsen
Gillmor	McCurdy	Upton
Gilman	McDade	Visclosky
Goodlatte	McHugh	Volkmer
Goodling	McInnis	Vucanovich
Gordon	McKeon	Walker
Goss	McMillan	Walsh
Grams	Meyers	Weldon
Grandy	Mica	Wolf
Greenwood	Michel	Young (AK)
Gunderson	Miller (FL)	Young (FL)
Hall (OH)	Mollohan	Zeliff

## NOT VOTING—24

Bishop	Frost	Slattery
Blackwell	Gallo	Smith (NJ)
Boucher	Gingrich	Stokes
Brewster	Jacobs	Underwood (GU)
Bryant	Machtley	Washington
Edwards (CA)	Martinez	Wilson
Faleomavaega	Richardson	Wise
(AS)	Ros-Lehtinen	
Ford (TN)	Royce	

□ 1735

Mr. HOLDEN and Mr. MANZULLO changed their vote from "aye" to "no."

Mr. ROSE and Mr. HEFNER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

In section 601, amend subsections (a) and (b) to read as follows:

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to the Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (a)(2) by inserting after "the United States International Trade Commission," the following: "the Defense Intelligence Agency,"; and

(B) by adding at the end the following:

"(1)(I) The Inspector General of the Defense Intelligence Agency shall be appointed by the Director of the Defense Intelligence Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the Defense Intelligence Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the Defense Intelligence Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the Defense Intelligence Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.



"(4)(A) The Inspector General of the Defense Intelligence Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the Defense Intelligence Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the Defense Intelligence Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the Defense Intelligence Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the Defense Intelligence Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the Defense Intelligence Agency shall select, appoint, and employ such officers and em-

ployees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the Defense Intelligence Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the Defense Intelligence Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the Defense Intelligence Agency;

(B) appoint the Inspector General of the Defense Intelligence Agency; and

(C) transfer to that Office the Office of the Defense Intelligence Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the Defense Intelligence Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the Defense Intelligence Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENT.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—

(A) REPORTING REQUIREMENT.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

**"§ 427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency**

"(a) REPORTING REQUIREMENT.—The Director of the Defense Intelligence Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the Defense Intelligence Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence com-

mittees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(B) CLERICAL AMENDMENT.—The analysis at the beginning of subchapter I of chapter 23 of title 10, United States Code, is amended by adding at the end the following:

**"427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency."**

(b) NSA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the National Security Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of that Act is amended—

(A) in subsection (a)(2), as amended by subsection (a)(2) of this section, by inserting after "the Defense Intelligence Agency," the following: "the National Security Agency,"; and

(B) by adding after subsection (i), as added by subsection (a)(2) of this section, the following:

"(j)(1) The Inspector General of the National Security Agency shall be appointed by the Director of the National Security Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the National Security Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the National Security Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the National Security Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the National Security Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semi-annual report summarizing the activities of the Office of Inspector General of the National Security Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semi-annual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the National Security Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the National Security Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the National Security Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the National Security Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the National Security Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the National Security Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the National Security Agency;

(B) appoint the Inspector General of the National Security Agency; and

(C) transfer to that Office the Office of the National Security Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the National Security Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the National Security Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENTS.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c), as amended by subsection (a)(6) of this section, by striking "subsections (f) and (i)" and inserting "subsections (f), (i), and (j)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. (a) The Director of the National Security Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the National Security

Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(8) RELATIONSHIP OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE TO THOSE OF DIA AND NSA.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) The Inspector General of the Department of Defense shall not have any authority to conduct any activity with respect to any matter that the Secretary of Defense determines relates solely to the Defense Intelligence Agency or the National Security Agency.

"(2) Upon request of the Inspector General of the Defense Intelligence Agency or the National Security Agency, the Inspector General of the Department of Defense may provide to the Inspector General making the request such resources (including personnel) as are appropriate to enable that Inspector General to carry out activities authorized by this Act."

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, the amendment I am offering with Mr. CLINGER inserts substitute text for subsections (a) and (b) of section 601 of the reported bill. In summary, it amends the Inspectors General Act of 1978 by creating two new inspectors general for the Defense Intelligence Agency and the National Security Agency.

Let me first start by acknowledging the ranking Republican of the Government Operations Committee, BILL CLINGER, for his close assistance in crafting this amendment. I would also like to thank the chairman of the Intelligence Committee, Mr. GLICKMAN, and his ranking member, Mr. COMBEST, for their cooperation.

The Intelligence Committee has included in H.R. 4299 a provision creating independent IG's for both DIA and NSA. The need for these offices was established in closed hearings held by the Intelligence Committee. The Government Operations Committee was not involved in those hearings. The committee's interest is simply in protecting the integrity and independence of the inspectors general, and ensuring that each inspector general has the tools to perform the job.

Unfortunately, section 601 as reported by the Intelligence Committee creates several problems. First, the IG's are not part of the Inspectors General Act, and thus would not be accorded the authorities and responsibilities of the other IG's. Our amendment places these offices within the protections of the IG Act.

Second, the new IG's duplicate the existing responsibilities of the Defense



Department's inspector general. Essentially, the Defense Department IG would have the same duties as the newly created NSA and DIA IG's. We would thus have two IG's, perhaps competing with each other, responsible for each agency. Our amendment resolves this duplication by ensuring that the new IG's have sole responsibility for NSA and DIA. The existing Defense IG can assist in investigations, but does not have authority over investigations solely within those agencies.

I would also point out that the amendment requires detailed reporting by these IG's to the Intelligence Committees. Given the sensitive nature of these agencies, we believe that this is the most appropriate mechanism for oversight.

Our amendment is therefore primarily a technical one, and does not change the substance of what the Intelligence Committee has reported. The amendment will serve to clarify the responsibilities of the IG's, eliminate duplication, and provide the authorities and protections of the Inspector General Act.

I urge its adoption.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I am delighted to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, we have been advised informally that while the Committee on Armed Services has some concerns about the gentleman's language, that we have no objection to the amendment and we will accept it on our side. I just wanted to let the gentleman know that so he might feel perhaps delighted at my acceptance and not want to speak any longer.

□ 1740

Mr. CONYERS. I want to thank my colleague on Judiciary and the chairman of this important committee and floor manager for his cooperation. This is a perfecting amendment, and we are not going to take much time.

What we corrected are two essential problems. One, we place the I.G.'s within the Inspector General Act, and we eliminate the duplication and conflict between the new I.G.'s and the existing Defense Department I.G. by leaving any issues that cross agency lines to be dealt with by the Secretary of Defense as the arbiter. This brings us into conformance with the Inspector General Act, ensures continuing independence of the I.G.'s, and requires detailed reporting by the I.G.'s to the Intelligence Committee.

We think that that satisfies the concerns of the floor manager and many others that are on the appropriate committees that are concerned.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I rise today in support of this amendment offered by the chairman of the Government Operations Committee, Mr. CONYERS.

Chairman CONYERS and I drafted this amendment, in consultation with our colleagues on the Intelligence Committee, to modify a provision in the Intelligence authorization bill which has the unintended consequence of creating overlap and potential jurisdictional conflict between the Department of Defense office of inspector general and the newly created offices of inspector general in the Defense Intelligence Agency and the National Security Agency.

As reported by the Intelligence Committee, the bill would allow the Defense inspector general to continue its activities within the Defense Intelligence Agency and the National Security Agency, despite the presence of independent inspectors general within these agencies. The amendment offered today states explicitly that only the Defense Intelligence Agency or National Security Agency inspectors general will have jurisdiction over audits or investigations that fall solely within their respective agencies. This is a necessary modification to the Intelligence authorization bill in order to clarify the responsibility of each inspector general. The Defense Department's inspector general will be authorized to provide assistance to these new offices upon request.

The Government Operations Committee has a long tradition of working to protect the integrity and effectiveness of the Federal inspectors general. Since the Inspector General Act's inception in 1978, we have remained committed to ensuring that these guardians against waste, fraud and abuse are equipped to do their jobs with minimum interference and maximum independence. This amendment is the latest illustration of that commitment, and will ensure that the Defense Intelligence Agency and the National Security Agency receive an appropriate level of oversight.

I have welcomed the opportunity to work with Mr. CONYERS and our colleagues on the Intelligence Committee in a bipartisan effort to ensure the Defense Department's inspector general and the new inspectors general created by this bill can work in cooperation with each other. I urge my colleagues to join me in support of this amendment.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

This amendment offered by the gentleman from Michigan and the gentleman from Pennsylvania is intended to incorporate the provisions of H.R. 4299 which establish a statutory

office of inspector general at the Defense Intelligence Agency and the National Security Agency into the Inspector General Act of 1978. The amendment is also intended to go further than H.R. 4299 to clarify the responsibilities of the statutory IGs at the DIA and NSA with respect to the responsibilities of the Defense Department Inspector General. This amendment makes sense and it should be adopted.

The amendment has the same purpose as H.R. 4299: To create independent and effective inspector general offices at the DIA and NSA to properly conduct audits, inspections, and investigations of the programs and operations of these agencies, and to keep the directors of the respective agencies and the congressional intelligence oversight committees informed of significant problems and deficiencies. By incorporating the provisions of H.R. 4299 into the 1978 act, the new offices will benefit from the guidance of past precedent and case law when there is a question of interpreting the provisions of the act.

The Conyers-Clinger amendment has the same effect as H.R. 4299 with one exception. H.R. 4299 stated that nothing in its provisions was intended to affect the authorities or responsibilities of the inspector general of the Department of Defense. This language was criticized for creating redundancy and overlap. The Conyers-Clinger amendment thus makes clear that the DOD IG does not have authority to conduct any activity with respect to any matter the Secretary of Defense determines relates solely to the DIA or NSA. Where a departmentwide inspection of personnel policies is in question, the DOD IG would have authority to review DIA and NSA personnel policies, but an audit of a classified DIA or NSA program which the Secretary of Defense determines relates solely to the agency concerned should be conducted by the DIA or NSA IG, not the DOD IG.

The congressional intelligence oversight committees have been concerned for a number of years over the efficacy and effectiveness of the offices of the inspectors general at DIA and NSA. The committee believes the programs and operations of these agencies have not been priorities of the Department of Defense IG—understandably—since they are relatively small in cost and scope. Setting forth in the law the authorities, responsibilities, and reporting requirements of the DIA's and NSA's IG's should increase the professionalism of these offices and bring greater inspector general attention to the sensitive programs and operations undertaken by DIA and NSA.

I urge my colleagues to support the Conyers-Clinger amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 5, after line 23, insert the following new section:

SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent

practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this budget is classified. There is a lot of stuff going on. This is a stealth Buy American amendment. I do not want to know; you do not have to tell me. I would just like to see them buy, whenever possible, some American-made goods and products and keep the train coming down the track. It helps our workers.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would say that even though the budget has a stealthy flavor to it, I want you to know that the gentleman from Texas [Mr. COMBEST] and I are doing our best to make sure the intelligence community buys American products, and we are inspired by your push on this issue on this bill and others, and we intend to accept this amendment.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. COMBEST. I could not have said it better myself. We certainly agree to the amendment.

Mr. TRAFICANT. Mr. Chairman, I urge approval of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: Page 4, after line 23, insert the following:

**SEC. 104. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED**

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred and Third Congress, there is authorized to be appropriated for fiscal year 1995 to carry out this Act not more than 90 percent of the total amount authorized to be appro-

priated by the Intelligence Authorization Act for Fiscal Year 1994.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise in support of the amendment which I am offering together with my friend from New York, Mr. OWENS, to cut the intelligence budget by 10 percent.

Mr. Chairman, the Sanders-Owens amendment is the same as the one which we offered last year, and which was supported by over 100 Members of this House. It provides for a cut of 10 percent from the level of this year—which was in turn essentially the same level as last year, and which has been publicly reported by such publications and organizations as the Washington Post, the New York Times, the Democratic Study Group, and others to be about \$28 billion. After 2 years of delay, it puts us on track to fulfilling President Clinton's promise during the 1992 campaign to cut \$7 billion from the intelligence budget over the 5-year period 1993–97.

We need to make this cut for reasons that people all over America—if not necessarily in Washington—recognize. We need it because we have a \$200 billion deficit and a \$4 billion debt. We need it because the cold war is over, the Soviet Union has disappeared, and for decades, as the New York Times noted, "spy agencies spent two-thirds of their budget dollars to track the Soviet threat." And we need it because, as the House Appropriations Committee pointed out in its report last September, the intelligence community received over a 100-percent increase in real dollars between 1982 and 1992.

In this situation, it is absurd to keep on funding the intelligence agencies at cold war levels, and to insist on maintaining their budgets at the same level year after year. When we are already spending \$100 billion a year defending Europe and Asia and when we outspend all our potential enemy nations by over 10 to 1, are we really just as insecure as when the Soviet Union existed? While we are cutting back on all the rest of the Government—including social programs, farm supports, and environmental protection as well as defense—how can the intelligence agencies claim to be exempt?

Frankly, Mr. Chairman, I get a little sick and tired when every day I hear Members of Congress rant and rave about the budget deficit, and tell us how it is imperative that we make cuts in Social Security, Medicare, Medicaid, veterans' needs, funding for edu-

cation—and then, having said all that, they proceed to vote no reductions for the intelligence budget. We have the highest rate of childhood poverty in the industrialized world, including 5 million children who go hungry each day—and we do not have the money to protect our kids. We have millions of senior citizens unable to afford their prescription drugs, and we don't have the money to protect our senior citizens. We have millions of working class young people unable to afford the cost of higher education—and we do not have the money to educate our young people. But somehow, just somehow, when the CIA, the NSA, the DIA, and the other intelligence agencies come asking, the money suddenly appears. It suddenly and magically appears. No problem with funding now.

Mr. Chairman, this debate is not really so much about the intelligence budget, as it is about our national priorities. The 10 percent cut proposed by this amendment—\$2.8 billion—is equivalent to about one and a half spy satellites. One and a half spy satellites is what we can purchase for \$2.8 billion. Now let me tell you, in the real world, what \$2.8 billion could purchase. In a nation frightened of crime and overburdened with high property taxes, \$2.8 billion distributed to our States would pay for 40,000 more police officers in community policing programs. In the real world, when young people clamor to get a higher education but cannot afford it, \$2.8 billion would fund 200,000 more students in the President's National Service Program. At a time when millions of children enter school far behind their peers, \$2.8 billion would fund Head Start participation for nearly 700,000 children. At a time when cities all over America struggle with the crisis of homelessness, \$2.8 billion would provide HUD-assisted housing for nearly 3 million homeless families. In terms of our environmental needs, \$2.8 billion would fund the entire hazardous waste cleanup program.

And let me repeat—for those whose primary concern is the Federal deficit—that \$2.8 billion would reduce our annual budget deficit by 1½ percent.

That is what we are debating today, Mr. Chairman. We are debating whether we defend our national security by pretending that the cold war is still going on, or by recognizing our country's economic crisis. We are debating whether to continue spending billions putting spy satellites into orbit to spy on a Soviet Union which has disappeared—or whether to take care of our own country. That is the basic question, my colleagues, and I ask you to choose to truly defend our national security. Vote for the Sanders-Owens amendment, and restore some common sense to our budget priorities.

□ 1750

Mr. GLICKMAN. Mr. Chairman, I would like to get a time limit on the



remaining time in this debate. The gentleman from Vermont [Mr. SANDERS] has already spoken about 5 minutes. I would ask unanimous consent that all debate on this amendment and any amendment thereto be limited to 30 minutes, equally divided, 15 minutes to myself and 15 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. COMBEST. I have no objection, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Vermont [Mr. SANDERS] will be recognized for 15 minutes, and the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from Vermont [Mr. SANDERS] for offering this amendment. I think it is an important amendment to discuss, although I think the amendment is misguided and should be defeated.

In the first place, when you come down to this floor and you listen to the gentleman from Vermont [Mr. SANDERS], and then previously listened to people on the other side, you would then think that you were talking about two different bills. Folks on the Republican side of the aisle have been arguing that the intelligence budget has been cut radically in the last 10 years. Mr. SANDERS, of course, comes here and said it has not been cut enough.

Here are the facts: The committee bill is 3.8 percent below the fiscal 1994 authorized level, approximately 2 percent below the fiscal 1994 appropriated level and the fiscal 1995 request. That is not taking into account inflation. So we are seeing a reduction in the intelligence community budget. The numbers of people who are employed in the intelligence community is coming down approximately 20 percent. This is the third year in a row they recommended less than requested by the President or authorized the year before.

Significant additional reductions, however, will imperil modernization programs for satellites, signals, and imagery collection systems, which are needed to keep pace with technological advances and which will ultimately save money through consolidation of activities.

Let me tell you what this stuff does so that you will have some idea. What it does is it provides information for military commanders. So, if we have a military conflict in Korea or if we have a military conflict in Haiti or if we have a military conflict in the Middle East, there is modernization of our imagery, satellites and signals intel-

ligence going on, which accounts for one of the reasons why the numbers are not going down faster. My point is that we could find ourselves in a military conflict in Haiti or Korea or the Middle East or perhaps in humanitarian efforts in central Africa, and you have to have that kind of imagery in order to protect American troops, American people and other people who are threatened. These improvements are definitely needed.

We have activities all over the world against terrorism, against proliferation of nuclear, biological, and chemical weapons. Some of that is human intelligence, some of that is signals intelligence, and some is satellite intelligence.

A cut of this magnitude would be extraordinarily serious dealing with those particular problems.

Just yesterday there was a bomb in Buenos Aires which dealt serious damage to the Jewish community in Argentina, which is likely to have been caused by international terrorist activities, which will require the United States and the Argentinians and people around the world to focus on as part of this international terrorist conspiracy to blow up and destroy American and freedom-loving interests around the world. This amendment would strike at the heart of the ability to try to find those particular culprits.

I am particularly worried about nuclear, chemical, and biological weapons. The Russians still have thousands of them, thousands of weapons, any one of which could kill 15 or 20 million people in this country. You have to have the technical, satellite, signals intelligence, and the human capability to find out where those things are.

Now, can I tell you that a 10-percent cut is going to destroy the ability of the intelligence community to do everything they do? I do not know if I can tell you that they would destroy it, but I can tell you this, that it puts us at a very great degree of risk. That is exactly what we do not need right now. We think we have cut this budget as far as we can.

I am just telling you right now that I do not want to have on my hands a terrorist activity in this country or around the world which could have been prevented by modernizing our satellite capability or a release or sale of nuclear or chemical or biological weaponry or missile systems which could find themselves in the hands of a Saddam Hussein or some other ruthless dictator.

So I think while I understand the purposes of the amendment, I think an amendment of this magnitude is ill-conceived, and I urge my colleagues to defeat it.

Mr. SANDERS. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this debate is an educational debate for the American people. Everybody talks about the deficit, and most people act as if the deficit was created by God. The deficit is not created by God; the deficit is made up of stupid decisions that have a Central Intelligence Agency at the same level it was during the height of the cold war. We are spending for intelligence as much as we were spending when the other superpower, the Soviet Union, existed. We always said that 50 percent—as I was saying, this is an educational debate for the American people. We will not change anybody's mind in this House. The military-industrial complex has given its orders. We know the votes will come down a certain way as a result of that. So we are talking to the American people about what makes up the deficit.

The deficit can be brought under control without cutting education programs, without cutting libraries, without cutting jobs training programs. All of these kinds of programs have been cut in the last year. We have cut \$60 million out of the job training for teenagers, in order to move it over for displaced workers. We did not have to do that. We need more money to train displaced workers, we can get it out of the budget reserved for the intelligence community. The intelligence budget cannot be defended with any kind of logic or reason. Nobody is able to bring forth any logic which makes any sense. To talk about the dangers in the world of terrorism and other kinds of threats, nuclear threats from North Korea, they were always there along with the Soviet Union. Once the Soviet Union, the only superpower that has the capacity to deliver nuclear bombs from their soil to our soil, is eliminated, then we are in a different world. The Soviet Union's secret police, unlike our secret police, the CIA, the Soviet Union secret police have opened up their archives, a large portion of the archives. They demystified their intelligence community. We do not even want to disclose to the American people the total amount of money we spend on intelligence. We just voted that down.

The orders came down from the military-industrial complex, "Don't do it." So the puppets moved in line, and they lined up to vote. Logic cannot prevail in this kind of situation. We have the Congressional Budget Office. Last year, the Congressional Budget Office suggested, recommended a 20-percent cut. A 20-percent cut in the overall intelligence budget was recommended by the Congressional Budget Office.

□ 1800

Now, Mr. Chairman, those are the people we pay to monitor very closely the logic of what we are doing with our budget. We are only asking here for a 10-percent cut, a 10-percent cut of what the most conservative estimates put at

a \$30 billion budget. We do not know officially, we cannot represent it, we cannot pretend we know officially, but the New York Times and certain other sources that really know what is happening in America, always they have consistently pegged the intelligence budget at \$30 billion.

Of course we should go and ask Aldrich Ames. Aldrich Ames would have told us it might take a tip, we might have to pay Aldrich Ames something, but he can tell us, probably, what the overall budget is.

Aldrich Ames was, as my colleagues all know, a highly placed official at the very top of our country's intelligence operation who for 9 years was a spy for the Soviet Union, and, in order to shut him up and not let him tell the American people about what is going on inside of the old boys network of the CIA, they gave him life imprisonment instead of death. As my colleagues know, he committed wholesale treason. If anybody deserves the death penalty, it certainly ought to be Aldrich Ames. But Aldrich Ames walked away. A deal is being made with his wife because he knows too much. He could tell us that if the Soviet Union was paying him as a spy for them, if he was being paid \$2 million, then what do we pay our spies, the ones we get from the Soviet Union? Our rate of pay is probably higher, so the CIA is probably paying Soviet spies, East German spies, all kinds of people they manufacture, they are probably paying them at a higher rate than \$2 million for the work they do. Aldrich Ames got \$2 million.

Aldrich Ames in his parting shot accused the CIA of being an old boys network that was obsolete, and that is what we are dealing with, my colleagues. We are dealing with an old boys network that is obsolete, and it is driving a \$30 billion budget.

Thirty billion is not the total budget for the CIA, but they are the kingpin of the intelligence community. There is Army intelligence, satellites; there is a whole lot of stuff out there. But \$30 billion, if we take 10 percent of that, \$3 billion can fund a lot of repairs to school buildings that have lead poisoning problems, and they have asbestos problems, and \$3 billion could build a lot of schools. Three billion dollars could relieve the pressure on a lot of school board budgets.

Three billion dollars could provide for a health care program that would end the kind of tuberculosis which has crept back into not just our homeless community, but there is a high school out in California where there is a large infection of tuberculosis in the high school.

Now we cannot provide the money to take care of basic health care problems and basic education problems. We tell the American people that there is a deficit, we must deal with the deficit. I agree there is a deficit. The deficit was

created by irresponsible spending. Now we have an opportunity to cut the deficit, and we can cut the deficit without hurting the security of America at all.

The CIA does not have the capacity to do the job that needs to be done with respect to terrorism. They do not know enough Arabic. They do not have enough people to deal with the fundamentalist Islamic revolution. They cannot deal with that. The CIA cannot deal with the problem in Haiti. Nobody in the U.S. Government can tell us how many people are being massacred in Haiti, what the conditions are in Haiti. The CIA cannot tell us what is going on in a country which is less than 700 miles from Florida.

As my colleagues know, the CIA does not have any black agents. The CIA is not modernized. The diverse world it has to face; it has no agents to do that. It does not have any females. The females, the few of them that are there, recently brought a suit about what is going on there, so we got an obsolete operation. The head of the CIA yesterday admitted that it is a white male dominated old boys network. If the head of the CIA admits that, then my colleagues know we have got serious problems. We are spending on this white male dominated old boys network which is obsolete, we are spending at least \$2 billion on that agency alone, and they have control of a \$30 billion intelligence budget. The American people need to know, if we want to cut the deficit, we want to cut the deficit, at the same time provide for Federal money for libraries, we want to provide for Federal money to help take care of the problems our schools are facing, we want to take care of the health problems, and there are a lot of places where we are wasting money, and one of them is in the intelligence budget. Three billion dollars we gain by passing this 10-percent cut.

So I say to my colleagues, "Let's pass it and get a \$3 billion to give to good programs."

Mr. GLICKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, while I greatly respect the sincerity of the distinguished gentleman from Vermont, I must say that I find his amendment to limit this year's authorization for intelligence to 90 percent of last year's level to be reckless in the extreme. In my statement in support of this bill I have already talked at some length about my extreme disquiet over our committee's turning out a bill which continues the trend of making deep cuts to intelligence. At that time I cited several facts which illustrate the depth of the cumulative annual cuts we have seen to intelligence this decade.

I would like to repeat a few of them here and cite some new ones. First, the repeats:

Fact No. 1. In real terms the intelligence budget has been cut in all but 1 of the last 6 years.

Fact No. 2. The intelligence community is already being downsized at twice the rate recommended by the President's National Performance Review for the Government.

Fact No. 3. The \$7 billion that President Clinton proposed to cut from intelligence by 1997 has already been achieved and will, at current rates, end up being more than double that by 1997.

Fact No. 4. The authorization bill this year authorizes in real terms almost 15 percent less than our authorization 2 years ago, and that was at a level which then-Intelligence-Committee-Chairman McCURDY claimed could not be further reduced without the risk of "severe damage." That higher level was, he said, "the outer limit on which the intelligence community can expect to reduce spending."

And now a few more facts:

Fact No. 5. This bill already reflects in real terms a more-than-6-percent decline in intelligence spending from last year.

Fact No. 6. At the current rate of cuts, the intelligence budget in inflation-adjusted dollars will, by the end of this decade be less than 60 percent of what it was in 1989.

Fact No. 7. The budget for national programs for next year was—as submitted by the administration—already \$1.3 billion less than what the administration projected just last year.

Mr. Chairman, the effect of the gentleman's amendment would be to gut intelligence and to cripple a key element of our national security and leave our Government whistling in the dark when dealing with the issues of regional stability, weapons proliferation, terrorism, global fair trade and competitiveness, and strategic and tactical military preparedness.

The intelligence community has already begun a process of closing down capabilities which we can ill afford to give up. Having, several years ago, already reduced its resources covering the former Soviet Union, the intelligence community is now in a process of eliminating coverage completely against many targets and even regions worldwide. Programs to modernize, upgrade, and save money in the out-years by revamping technical collection systems have been slowed down or shelved. On the analytic side the situation is as bad or worse. Military analysis has been left perilously thin; many arms control and weapons analysis offices have been cut back to fractions of their former size despite the growing problem with the proliferation of weapons of mass destruction and missile delivery systems; other analysis are overwhelmed with the demands for more and better analysis of the multiplicity of issues which the administration faces politically and economically around the globe.



The fact that this amendment sets an arbitrary figure for cuts as opposed to making specific proposals for savings is indicative of its poor rationale. The gentleman from Vermont has presented his amendment without reading the committee's classified report showing an itemized breakout of how intelligence funds are spent. Those Members who want to cut intelligence further need, at the least, to exercise their right, indeed their duty, to make such proposals only after viewing the committee's detailed mark and identifying specific program areas to be cut. At that point, the responsible Member will realize that in a budget as lean as the one in this bill, for every supposed saving there is in reality a very clear and high cost in terms of lost national security.

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as my colleagues know, I think it is interesting that every year the chairman of our committee gets up and asks Member to go up to room 405, which is where the Permanent Select Committee on Intelligence meets, and ask for a look at the budget. The budget is open to any Member of the Congress to go up and look at. One does not have to be a member of the Permanent Select Committee on Intelligence or a member of the leadership, but every year Members get on this floor and with good intentions ask for cuts of 10 percent, 5 percent, 2 percent, and as they never go up and look at the budget, they do not know what they are asking us to cut.

Now Members that have served on this committee for a number of years or some of us that are now in their second year on the committee have worked diligently in doing the budget. We understand where the money is being spent. We analyzed it. We had hearing after hearing to determine whether it is needed. But yet the Members ask for the cuts, and in reference to the gentleman from Vermont and the gentleman from New York, Mr. Chairman, I have talked with staff, and they have not gone up and looked at the budget. They should look at it, they should analyze it, they should go through it and see what it is all about. But to come off the top and say, "Let's just cut it, let's not look at it"; they do not know what it is for, where it is coming from, and I think it is very important to understand it. They should look at it because the world is a dangerous place. It is as dangerous as it was when the Soviet Union existed. We have more targets, we have more problems, more areas to focus on and more people to be retrained because many of our analysts were analyzing areas of the Soviet Union and trained in that area. Now we have Iran, we have North Korea, we have Iraq which we just had

a war with, and I think it is so important we analyze it.

Mr. Chairman, I urge my colleagues, before they make these judgments, to go upstairs, go through the budget, look at what it is, and then make their decision whether it should be cut.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mr. OWENS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I want to tell the American people listening to this debate that once you look at that budget, you can no longer talk about it. You cannot disclose anything. We are forbidden from talking about the figures. So they ought to know for a fact that we do not look at it, because we do not want to be in a position of being criticized for discussing a budget we looked at. I urge full disclosure of the total amount, and we can talk to the public about the total amount.

Mrs. MINK of Hawaii. Mr. Chairman, reclaiming my time, I take the well today to support the amendment to cut 10 percent from the budget. I do so not because I do not respect the diligent work of the Permanent Select Committee on Intelligence in determining what our needs are, but just as an individual citizen in this great country. I understand that the circumstances in the world have changed. We do not have the same threats which generated this huge spending in the cold war situation.

Times are different. You cannot make a sensible argument by saying we have new threats, new enemies. These very same countries existed previously as threats to our security, and the intelligence community, I am sure, was embarking upon whatever strategies and investigations that those situations required in Iran and Korea and other places.

They have risen up into prominence and have become our priorities, but they are certainly not such that they overcome the spending cuts which are, I think, prompted by the changes of circumstances.

Now, if this country had resources which it could spend, I would say perhaps this debate would be a needless effort. But all of us understand the crisis of spending in this country and the enormous needs that our people experience and tell us are unmet, and we are helpless in providing them the resources to meet these needs.

I serve on the Committee on Education and Labor, and it pains me every year not to be able to fund the programs as the needs occur. We have always said that the American country needs to be able to compete globally in terms of education, in terms of our economy. Yet we are not providing funds for our young people to go on to

the universities and colleges and be able to compete. We have limitations on the number of Pell grants and scholarships, and we are cutting back constantly on graduate education and research assistance.

Now, is it possible that a country as great as ours cannot divert funds away from intelligence institutions like the CIA and recommit these moneys to the education of our young people?

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this budget and these issues are a matter of intense interest to me and my constituents. I have done my homework, though not on the committee, and have been briefed on this intelligence budget, and have paid a visit to that top floor of the Capitol. My conclusion is that the Sanders amendment is not in our national interest, and I strongly oppose it.

As I said last year, intelligence funding is intelligent funding. I believe that intelligence is a crucial investment, for much the same reason that I support aid to the former Soviet Republics. It is proactive. The money we spend for these programs helps us avoid spending greater sums later, because we can identify threats early on and organize our response.

Our intelligence capabilities were a major factor in the Persian Gulf war. They improved our battle management, increased our knowledge about Iraq's capabilities, and helped pave the way for the Gulf war and the liberation of Kuwait.

My district has made a major contribution to the tactical intelligence systems that are funded jointly by the Permanent Select Committee on Intelligence and the Committee on Armed Services, and I think these systems are more vital than ever in these times of rapid international change.

Since 1990, more than 20,000 jobs have been eliminated at the 5 major prime contractors which develop intelligence collection systems. That represents a 75-percent reduction in the work force involved in intelligence programs. Most of that loss has occurred in southern California, and, because there were no alternative jobs, these people have left the industry and are not likely to return to work on critical national intelligence programs in the future.

Mr. Chairman, statistics like those I have just quoted are devastating to our industrial base, our intelligence industrial base, and our national security. I strongly urge a "no" vote on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, it is difficult to debate a budget and urge or defend a cut in the budget when the

budget is secret and we cannot say how much we are spending or how much the proponents or opponents of amendment propose to spend, although rumor has it, rumor from the New York Times and everywhere else, it is somewhere in the neighborhood of \$30 billion. Maybe that is true.

But what one can say, however, is that in the last few years, the world has undergone an immense change. The cold war has ended. The great adversary, the evil empire, which itself spent many, many billions of dollars every year on armaments, on intelligence, on counterintelligence, which we had to spend many billions of dollars on for intelligence and counterintelligence and counter-counterintelligence, is no more. Why is it that our budgets do not recognize the world sea change, the sea change in the condition of the world?

It is true, of course, there are many things that our intelligence must do. We must know what is going on. Much of what we must know about what is going on really consists of people studying periodicals and literature in libraries to find out what is going on in cultural change and in religious change and political change around the world. Some of it is still handled through satellites and such.

But the fact is, that with the Soviet Union gone, with the cold war over, if we cannot reduce our intelligence budget by 10 or 20 percent, then we are wasting a heck of a lot of money. It is particularly true in view of the fact that the intelligence community missed the greatest political event of the last quarter-century, the collapse of the Soviet Union. So one wonders how efficiently they were spending that money in the first place.

In summary, Mr. Chairman, we ought to be able to reduce our expenditure and spend it more usefully on housing and education and things vital to national security here at home.

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it befuddles most of us. We talk about a strong crime bill, and the Black Caucus fights against strong crime measures. And the liberal from New York fought against registering child molesters and woman stalkers. But yet he is up here, "Let's cut intelligence; let's cut defense."

We cut the defense of this country down to the bone marrow. During Desert Storm the intelligence agencies in defense, and I saw a lot of Members sitting around here sneaking around, wondering what the terrorist activity was. In foreign countries, the word is well, the Soviet Union is gone. It is only Russia right now. Why are they building four *Typhoon*-class submarines and investing in nuclear subs and subs that cut cables? Yes, our intelligence agency knows that.

So why, if the Soviet Union is gone, are they doing that? I never fought against the Soviet Union. I fought in Vietnam and I fought in Israel. I never fought against the Soviet Union. But we are looking at Somalia, we are looking at Haiti. God knows Haiti. And we do not need intelligence for that? And we are cutting ourselves to the quick.

□ 1820

And some of the rhetoric, "We want a strong crime bill, but by the way, let's cut all of our intelligence."

I look at what kind of message are we sending when we talk about priorities in cutting. The Constitution of the United States provides for defense. We have an education budget. I serve on that committee as well. But the social welfare program has failed. It has failed. When we are trying to cut everything that we have for our own defense in this country, including our intelligence agencies, if anybody ought to be mad at the FBI and CIA, it was me.

During the Desert Storm they gave our freshman class a lecture telling about the terrorist activity. I went to my district and they left it cut off.

We need them and we need them desperately. We have the other funds for education and those kinds of things.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Let me put this debate into some perspective. As I understand it, the gentleman from New Jersey [Mr. TORRICELLI] earlier indicated that our intelligence budget, our intelligence budget is more than the entire defense budgets for all of our potential enemies combined. What we are talking about is funding the intelligence agencies at roughly the level as when the Warsaw Pact and the Soviet Union were in existence.

Earlier the gentleman from Nevada asked if some of us on this side had gone into the special room and looked at the intelligence budget. The gentleman from New York [Mr. OWENS] gave the answer that we had not, the reason that we had not. But there is a more important reason.

I have not gone into that room, but in my State, I have talked to parents whose children are hungry. I have talked to elderly people who cannot afford prescription drugs. I have talked to senior citizens who are getting by on Social Security. As mayor of the largest city in the State of Vermont, I have seen homelessness. I have seen the social misery that is going on all over this country.

This debate is primarily not about the intelligence budget. If we give them \$28 billion, they will take it; if we give them \$100 billion, they will take it. What this debate is about is national priorities. It is the hypocrisy of

Members coming up here every day talking about the deficit, talking about cutting Social Security, Medicaid, education, but not wanting to cut in any significant way the intelligence budget.

What this debate is about is national security. It is whether we will tolerate having 5 million children hungry, having the highest rate of poverty among children in the industrialized world.

Do Members want to know what national security is? It is feeding hungry children. It is educating the young. It is providing jobs for the unemployed. It is not spending more money on intelligence than the entire defense budgets of all our enemies combined. That is called overkill.

It is no secret to the Members of this body that Congress is not held in high esteem by the American people. This debate indicates why. We cannot talk about being serious about deficit reduction, we cannot talk about sensible national priorities and vote to keep the intelligence budget at the same level as it was at the height of the cold war.

Mr. Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield myself the balance of my time.

I urge my colleagues to vote "no." I must say, I find it somewhat disingenuous for Members to come here and talk about the budget in such detail without actually going upstairs and reviewing that budget. I agree with my colleague from Nevada, that budget, many billions of dollars, is available for access by all Members of Congress. And while I understand the argument, those who do not want to go up there might be somehow inhibited by what they see, it still defies my imagination that Members would come here to cut that budget without going upstairs and actually seeing what is debated and what is part of the intelligence budget.

The fact of the matter is, this country is still threatened. We are threatened by Korean troops from the north. We are threatened by Iraqis and Iranians. We are threatened by perhaps American troops who may find themselves in harm's way in Haiti. We are threatened by nuclear-tipped missiles being sold around the world. We are threatened by chemical and biological warfare. We are threatened by Third World countries in the arms game and we are threatened by terrorists at home and abroad.

Intelligence is a pretty good insurance policy to protect against that threat. We hope we never have to pay the piper on that insurance, if we do not pay the premium. That is what we are doing right now. We are paying the premium on that insurance policy. It is good sense for this country. I urge my colleagues to vote down the Sanders amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the



amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 315, not voting 18, as follows:

## [Roll No. 333]

## AYES—106

Andrews (ME)	Hall (TX)	Petri
Barca	Hamburg	Poshard
Becerra	Hilliard	Rahall
Bonior	Hinchey	Rangel
Brown (CA)	Inslee	Roemer
Brown (OH)	Jacobs	Rohrabacher
Cantwell	Johnson, E. B.	Roth
Clay	Johnston	Rush
Clayton	Kanjorski	Sanders
Clyburn	Klink	Schroeder
Coble	Kreidler	Sensenbrenner
Collins (IL)	Lambert	Serrano
Collins (MD)	Lewis (GA)	Shays
Conyers	Lipinski	Slaughter
Costello	Maloney	Stark
Coyne	Markey	Strickland
de la Garza	McDermott	Stupak
DeFazio	McKinney	Synar
Dellums	Meehan	Thompson
Derrick	Mfume	Torricelli
Duncan	Miller (CA)	Towns
Durbin	Minge	Traffant
Edwards (CA)	Mink	Tucker
Ehlers	Murphy	Unsoeld
Engel	Nadler	Valentine
English	Neal (MA)	Velazquez
Evans	Norton (DC)	Waters
Farr	Oberstar	Watt
Fields (LA)	Obey	Wheat
Filner	Oliver	Whitten
Fingerhut	Owens	Williams
Flake	Pastor	Woolsey
Foglietta	Payne (NJ)	Wyden
Frank (MA)	Payne (VA)	Yates
Furse	Penny	
Gutierrez	Peterson (MN)	

## NOES—315

Abercrombie	Bryant	Dooley
Ackerman	Bunning	Doolittle
Allard	Burton	Dornan
Andrews (NJ)	Buyer	Dreier
Andrews (TX)	Byrne	Dunn
Applegate	Callahan	Edwards (TX)
Archer	Calvert	Emerson
Armey	Camp	Eshoo
Bacchus (FL)	Canady	Everett
Bacchus (AL)	Cardin	Ewing
Baessler	Carr	Fawell
Baker (CA)	Castle	Fazio
Baker (LA)	Chapman	Fields (TX)
Ballenger	Clement	Fish
Barcia	Clinger	Ford (MI)
Barlow	Coleman	Fowler
Barrett (NE)	Collins (GA)	Franks (CT)
Barrett (WI)	Combest	Franks (NJ)
Bartlett	Condit	Frost
Barton	Cooper	Gallegly
Bateman	Coppersmith	Gejdenson
Beilenson	Cox	Gekas
Bentley	Cramer	Gephardt
Bereuter	Crane	Geren
Berman	Crapo	Gibbons
Bevill	Cunningham	Gilchrest
Bilbray	Danner	Gillmor
Billrakis	Darden	Gilman
Billey	de Lugo (VI)	Glickman
Blute	Deal	Gonzalez
Boehlert	DeLauro	Goodlatte
Boehner	DeLay	Goodling
Bonilla	Deutsch	Gordon
Borski	Diaz-Balart	Goss
Boucher	Dickey	Grams
Brooks	Dicks	Grandy
Browder	Dingell	Greenwood
Brown (FL)	Dixon	Gunderson

Hall (OH)	Lucas	Rose
Hamilton	Mann	Rostenkowski
Hancock	Manton	Rowland
Hansen	Manzullo	Roybal-Allard
Harman	Margolies-	Royce
Hastert	Mezvisinsky	Sabo
Hastings	Martinez	Sangmeister
Hayes	Matsui	Santorum
Hefley	Mazzoli	Sarpaluis
Hefner	McCandless	Sawyer
Herger	McCloskey	Saxton
Hoagland	McCollum	Schaefer
Hobson	McCrery	Schenk
Hochbrueckner	McCurdy	Schiff
Hoekstra	McDade	Schumer
Hoke	McHale	Scott
Holden	McHugh	Sharp
Horn	McInnis	Shaw
Houghton	McKeon	Shepherd
Hoyer	McMillan	Shuster
Huffington	McNulty	Sisisky
Hughes	Meek	Skaggs
Hunter	Menendez	Skeen
Hutchinson	Meyers	Skelton
Hutto	Mica	Smith (IA)
Hyde	Michel	Smith (OR)
Inglis	Miller (FL)	Smith (TX)
Inhofe	Mineta	Snowe
Istook	Moakley	Solomon
Jefferson	Molinari	Spence
Johnson (CT)	Mollohan	Spratt
Johnson (GA)	Montgomery	Stearns
Johnson (SD)	Moorhead	Stenholm
Johnson, Sam	Moran	Stokes
Kaptur	Morella	Studds
Kasich	Murtha	Stump
Kennedy	Myers	Sundquist
Kennelly	Neal (NC)	Sweet
Kildee	Nussle	Swift
Kim	Ortiz	Talent
King	Orton	Tanner
Kingston	Oxley	Tauzin
Kleccka	Packard	Taylor (MS)
Klein	Pallone	Taylor (NC)
Klug	Parker	Tejeda
Knollenberg	Paxon	Thomas (CA)
Kolbe	Pelosi	Thomas (WY)
Kopetski	Peterson (FL)	Thornton
Kyl	Pickett	Thurman
LaFalce	Pickle	Torkildsen
Lancaster	Pombo	Torres
Lantos	Pomeroy	Upton
LaRocco	Porter	Vento
Laughlin	Portman	Visclosky
Lazio	Price (NC)	Volkmer
Leach	Pryce (OH)	Vucanovich
Lehman	Quillen	Walker
Levin	Quinn	Walsh
Levy	Ramstad	Waxman
Lewis (CA)	Ravenel	Weldon
Lewis (FL)	Reed	Wise
Lewis (KY)	Regula	Wolf
Lightfoot	Reynolds	Wynn
Linder	Ridge	Young (AK)
Livingston	Roberts	Young (FL)
Lloyd	Rogers	Zeliff
Long	Romero-	Zimmer
Lowey	Barcelo (PR)	

## NOT VOTING—18

Bishop	Gingrich	Smith (MI)
Blackwell	Green	Smith (NJ)
Brewster	Machtley	Underwood (GU)
Faleomavaega	Richardson	Washington
(AS)	Ros-Lehtinen	Wilson
Ford (TN)	Roukema	
Gallo	Slatery	

□ 1843

Ms. SCHENK and Ms. SHEPHERD changed their vote from "aye" to "no."

Mr. HALL of Texas and Mr. VALENTINE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to let Members know the schedule for the evening.

We will have two amendments that we will consider. Then the Committee will rise and finish this bill tomorrow. We will have one suspension vote, as I understand it.

## AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

At the end of title VII (page 39, after line 4), insert the following:

## SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, very briefly, this amendment merely directs the Director of Central Intelligence to comply with the reporting requirement that was included in the report to last year's authorization bill, a requirement that has not yet been complied with, dealing with the costs and the personnel involved in maintaining classified information within the intelligence community.

All of the other agencies of the executive branch of government have complied with this requirement in the report that was filed by OMB back in the spring. This is an effort to further get the attention of the intelligence community that they, too, need to provide this information as previously requested by Congress.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I fully support the amendment. We were prepared to accept it with the understanding that we will reconsider the need for it in conference based on the progress made at that point in meeting the schedule promised last night by Mr. WOOLSEY.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we are happy to accept the amendment with the conditions the chairman laid out.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the end of the bill insert a new Title IX—INTERDICTION OF AERIAL DRUG TRAFFICKING.

#### SECTION 901. POLICY OF THE UNITED STATES.

It is the policy of the United States to provide Intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. In providing such assistance, the United States seeks to facilitate efforts by foreign governments to identify, track, intercept, and capture on the ground aircraft suspected of engaging in illegal drug trafficking, and to identify the airfields from which such aircraft operate. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

#### SEC. 902. AUTHORIZATION.

The President is authorized to provide Intelligence assistance to foreign governments under such terms and conditions as he may determine in order to carry out the policy stated in section 901. Activities directed by the President pursuant to this title shall not give rise to any civil or criminal action against the United States or any of its officers, agents, or employees.

#### SEC. 903. SENSE OF CONGRESS.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

MODIFICATION OF AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, pursuant to an agreement with the gentleman from Kansas [Mr. GLICKMAN], I ask unanimous consent that my amendment be modified, and I offer a substitute amendment to be considered in lieu of the amendment printed in the RECORD.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. GILMAN: At the end of the bill insert a new Title IX—INTERDICTION OF AERIAL DRUG TRAFFICKING.

#### SECTION 901. POLICY OF THE UNITED STATES.

It is the policy of the United States to provide Intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

#### SEC. 902. SENSE OF CONGRESS.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the amendment be modified?

There was no objection.

Mr. GILMAN. Mr. Chairman, I offer this amendment in response to a policy change by the administration that has jeopardized the ability of our Nation to win the war on drugs. On May 1 of this year, as a result of a legal review undertaken within the Department of Defense, the administration suspended a variety of counternarcotics assistance programs with the Governments of Colombia and Peru.

Most importantly, the administration stopped providing intelligence information to those governments for use by them in tracking and intercepting airplanes suspected of transporting narcotics toward our shores.

This policy change was adopted without any prior consultation with the Congress, or indeed, as I understand it, without any prior consultation with the Governments of Colombia and Peru.

By all accounts, the results of this policy change have been disastrous. The suspension of United States assistance has given the narcotraffickers virtual free reign over the skies of Colombia and Peru, and has resulted in a significant upsurge in the volume of cocaine headed for the United States.

This is an appalling situation, and it has to stop.

My amendment is intended to express the concern of the Congress over this situation, and to open the way for the administration to solve the problem.

The amendment clarifies that it is the policy of the United States to provide intelligence assistance to foreign governments like Colombia and Peru

for use by them in interdicting aerial drug trafficking. Such assistance is provided not in order to facilitate the intentional damage or destruction of aircraft by such governments in violation of international law, but rather to assist the interdiction of aircraft by such governments by means that do not involve the damage or destruction of aircraft in violation of international law.

This does not mean that it is contrary to U.S. policy for foreign governments to use U.S. intelligence information to damage or destroy aircraft in all circumstances. To the contrary, there are circumstances in which international law permits governments to damage or destroy aircraft. For example, it is clear that governments may act in self-defense against airplanes that are endangering the lives of others. Similarly, in time of war, or if a country has declared a national emergency in accordance with article 89 of the Chicago Convention on International Civil Aviation, the usual rules do not apply.

The clarification of U.S. policy set forth in my amendment should help the administration reach a different conclusion on the legality of continued provision by the United States of intelligence information to foreign governments for purposes of aerial drug interdiction than the administration reached the last time it looked at this question.

In its review earlier this year, the administration apparently assumed that Colombia and Peru are likely to use United States-provided intelligence information to shoot down aircraft in violation of international law. It is not clear to me, however, that Colombia and Peru are likely to use this information in a manner inconsistent with their obligations under international law.

If Colombia and Peru are not likely to act in violation of international law, then an additional legal concern identified by the administration—that officials of Colombia and Peru may be violating criminal provisions of the Aircraft Sabotage Act, particularly title 18, United States Code, section 32(b)(2)—appears to have been exaggerated.

Section 32(b)(2) makes it a U.S. crime for persons to damage or destroy certain aircraft even if there is no nexus between the underlying act and the United States—that is, no involvement of U.S. citizens and no other connection to U.S. territory. Ordinarily the United States would be without jurisdiction to criminalize acts with no relationship to the United States, but section 32(b)(2) relies on the international legal principle of universal jurisdiction as a basis for applying U.S. criminal law.

Universal jurisdiction exists only with respect to certain heinous violations of international law, such as



genocide and piracy. The damage or destruction of civil aircraft in flight in violation of international law is a recognized basis of universal jurisdiction, and it is upon this basis that the criminal proscriptions of section 32(b)(2) rest.

It is obvious, however, that universal jurisdiction does not exist with respect to actions that do not violate international law. It should not be hard, therefore, for the administration to interpret section 32(b)(2) as applying only to acts over which the United States has jurisdiction in accordance with international law.

It follows that if Colombia and Peru are not violating international law, their officials cannot be violating section 32(b)(2).

An additional legal concern identified by the administration is that U.S. officials providing intelligence assistance to Colombia and Peru may be violating title 18, United States Code, section 2(a) by aiding and abetting violations by officials of those Governments of section 32(b)(2). Of course, this concern is misplaced if, in fact, Colombian and Peruvian officials are not violating section 32(b)(2).

Even if Colombian and Peruvian officials were deemed to be violating section 32(b)(2), however, there can be no aiding and abetting liability on the part of United States officials unless those officials act with the specific intent to facilitate unlawful activity. The statement of U.S. policy contained in section 901 of my amendment makes clear that it is not the intent of the United States to facilitate unlawful activity. To the contrary, section 901 states that the United States does not condone the intentional damage or destruction of aircraft in violation of international law.

In any event, the Attorney General's prosecutorial discretion can be used to ensure that U.S. officials are not prosecuted for carrying out the policy of the President.

I am aware, Mr. Chairman, that the administration has proposed legislation to resolve the intelligence sharing problem that arose as a result of the administration's legal review. That proposal would have us amend section 32(b)(2) to create an exemption for the intentional damage or destruction of aircraft in certain circumstances.

I am not unalterably opposed to such an approach. I believe, however, that we must proceed cautiously in amending U.S. criminal law in this regard, not least because many other countries have criminal laws similar to section 32(b)(2), and we would not want to suggest to those countries that they may exercise their universal jurisdiction to prosecute U.S. officials for actions that we thought were prohibited by section 32(b)(2) in the first instance.

I will remain willing to discuss possible refinements of my amendment

with the administration as the legislative process unfolds. In the meantime, Mr. Chairman, I urge the adoption of my amendment.

□ 1850

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I commend the gentleman's amendment. I could not have supported it as originally drafted, but he has modified it to make sure there is a strong policy statement and that there is a sense of the Congress that we are helpful to the Andean nations in supporting their aerial antidrug interdiction efforts. Therefore, I support the amendment.

Mr. GILMAN. I thank the gentleman for his support.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we certainly accept the amendment and I support the gentleman's amendment.

Mr. Chairman, this amendment provides a clear statement of congressional intent on counterdrug air interdiction. It helps the administration move forward on resolving the current impasse between Colombia and Peru and the United States.

No radar tracking data has been given to the Colombians or Peruvians since 1 May. Consequently, there has been an increase in drug trafficking flights from Peru to Colombia with a corresponding increase in the amount of cocaine being processed for onward shipment to the United States.

We need to resume cooperative counterdrug programs with Colombia and Peru. The cut off in radar tracking information has aggravated tensions and impacted negatively on all counterdrug programs. This amendment will help repair damage due to the cut off by showing that we are moving to correct the law.

Mr. GILMAN. I thank the gentleman for his support.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendment, as modified, was agreed to.

Mr. GLICKMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. HASTINGS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability Sys-

tem, and for other purposes, had come to no resolution thereon.

#### PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during roll call vote 333, I was unavoidably detained and not able to register my vote. Had I been present, I would have voted "nay."

#### HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 8, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 40, not voting 22, as follows:

[Roll No. 334]

YEAS—372

Abercrombie	Collins (MI)	Gallegly
Ackerman	Condit	Gejdenson
Andrews (NJ)	Cooper	Gekas
Andrews (TX)	Coppersmith	Gephardt
Applegate	Costello	Geren
Bacchus (FL)	Cox	Gibbons
Baessler	Coyne	Gilchrest
Baker (CA)	Cramer	Gillmor
Baker (LA)	Cunningham	Gilman
Barca	Danner	Glickman
Barcia	Darden	Gonzalez
Barlow	de la Garza	Goodlatte
Barrett (NE)	Deal	Goodling
Barrett (WI)	DeFazio	Gordon
Becerra	DeLauro	Grams
Beilenson	Dellums	Grandy
Bentley	Derrick	Green
Bereuter	Deutsch	Greenwood
Berman	Diaz-Balart	Gunderson
Bevill	Dickey	Gutierrez
Bilbray	Dicks	Hall (OH)
Bilirakis	Dingell	Hall (TX)
Billiey	Dixon	Hamburg
Blute	Dooley	Hamilton
Boehlert	Dornan	Hansen
Boehner	Dreier	Harman
Bonilla	Dunn	Hastert
Bonior	Durbin	Hastings
Borski	Edwards (CA)	Hayes
Boucher	Edwards (TX)	Hefner
Brewster	Ehlers	Herger
Brooks	Emerson	Hilliard
Browder	Engel	Hinchey
Brown (CA)	English	Hoagland
Brown (FL)	Eshoo	Hobson
Brown (OH)	Evans	Hochbrueckner
Bryant	Everett	Hoekstra
Bunning	Ewing	Hoke
Buyer	Farr	Holden
Byrne	Fawell	Horn
Calvert	Fazio	Houghton
Camp	Fields (LA)	Hoyer
Canady	Filner	Huffington
Cantwell	Fingerhut	Hughes
Cardin	Fish	Hutchinson
Carr	Flake	Hutto
Castle	Foglietta	Hyde
Chapman	Ford (MI)	Inslie
Clayton	Fowler	Jacobs
Clement	Frank (MA)	Jefferson
Clinger	Franks (CT)	Johnson (CT)
Clyburn	Franks (NJ)	Johnson (GA)
Coleman	Frost	Johnson (SD)
Collins (IL)	Furse	Johnson, E.B.

Johnston	Miller (CA)	Schroeder
Kanjorski	Mineta	Schumer
Kaptur	Minge	Scott
Kasich	Mink	Serrano
Kennedy	Moakley	Sharp
Kennelly	Mollinari	Shaw
Kildee	Mollohan	Shays
Kim	Montgomery	Shepherd
King	Moorhead	Sisisky
Kingston	Moran	Skaggs
Klecicka	Morella	Skeen
Klein	Myers	Skelton
Klink	Nadler	Slaughter
Klug	Neal (MA)	Smith (IA)
Knollenberg	Neal (NC)	Smith (TX)
Kolbe	Nussle	Snowe
Kopetski	Oberstar	Solomon
Kreidler	Obey	Spence
Kyl	Oliver	Spratt
LaFalce	Ortiz	Stark
Lambert	Orton	Stenholm
Lancaster	Owens	Stokes
Lantos	Oxley	Strickland
LaRocco	Packard	Stupak
Laughlin	Pallone	Sundquist
Lazio	Parker	Swett
Leach	Pastor	Swift
Lehman	Payne (NJ)	Synar
Levin	Payne (VA)	Talent
Levy	Pelosi	Tanner
Lewis (CA)	Peterson (FL)	Tauzin
Lewis (FL)	Peterson (MN)	Taylor (MS)
Lewis (GA)	Petri	Tejeda
Lewis (KY)	Pickett	Thomas (CA)
Lightfoot	Pickle	Thomas (WY)
Linder	Pombo	Thompson
Lipinski	Pomeroy	Thornton
Lloyd	Porter	Thurman
Long	Portman	Torkildsen
Lowe	Poshard	Torres
Lucas	Price (NC)	Torricelli
Maloney	Pryce (OH)	Towns
Mann	Quillen	Trafigant
Manton	Quinn	Tucker
Margolies-	Rahall	Unsoeld
Mezvinsky	Ramstad	Upton
Markley	Rangel	Valentine
Martinez	Ravenel	Velazquez
Matsui	Reed	Vento
Mazzoli	Regula	Visclosky
McCandless	Reynolds	Volkmer
McCloskey	Ridge	Walsh
McCollum	Roberts	Waters
McCrery	Roemer	Watt
McCurdy	Rogers	Waxman
McDade	Rose	Weldon
McDermott	Rostenkowski	Wheat
McHale	Roth	Whitten
McHugh	Roukema	Williams
McInnis	Rowland	Wise
McKeon	Roybal-Allard	Wolf
McKinney	Rush	Woolsey
McMillan	Sabo	Wyden
McNulty	Sanders	Wynn
Meehan	Sangmeister	Yates
Meek	Santorum	Young (AK)
Menendez	Sarpalius	Young (FL)
Meyers	Sawyer	Zeliff
Mfume	Saxton	Zimmer
Mica	Schenk	
Michel	Schiff	

## NAYS—40

Allard	DeLay	Miller (FL)
Archer	Doolittle	Paxon
Armey	Duncan	Penny
Bachus (AL)	Fields (TX)	Rohrabacher
Bailenger	Goss	Royce
Bartlett	Hancock	Schaefer
Barton	Hefley	Sensenbrenner
Burton	Hunter	Shuster
Callahan	Inglis	Stearns
Coble	Inhofe	Stump
Collins (GA)	Istook	Taylor (NC)
Combest	Johnson, Sam	Walker
Crane	Livingston	
Crapo	Manzullo	

## NOT VOTING—22

Andrews (ME)	Ford (TN)	Richardson
Bateman	Gallo	Ros-Lehtinen
Bishop	Gingrich	Slattery
Blackwell	Machtley	Smith (MI)
Clay	Murphy	
Conyers	Murtha	

Smith (NJ)	Studds	Washington
Smith (OR)	Vucanovich	Wilson

□ 1910

Messrs. HINCHEY, EVERETT, and GRAMS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WOODROW WILSON PLAZA

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources and the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 832) to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. DEUTSCH). Is there objection to the request of the gentleman from California?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I shall not object, I just want to state that we have reviewed this bill and have no objection to its enactment; in fact, we support this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 832

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100-113) shall be known and designated as the "Woodrow Wilson Plaza".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 832 the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

## CASTRO'S CONTINUING ACTS OF MURDER

The SPEAKER pro tempore Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I join all people of conscience, regardless of race, ethnicity, color, creed, or ideology in condemning the outrageous acts of brutality committed off the coast of Cuba by the government of Cuban dictator Fidel Castro.

Last Wednesday, Cuban Government tugboats chased and deliberately killed up to 40 Cuban citizens fleeing the horror of Castro's Cuba. They were hosed down by Castro's thugs, Mr. Speaker. Hosed down with high pressure gauges. They were hosed down so hard that they flew off the boat, undersea, and drowned. Women and children were among those killed. The fierce thrust from pressure hoses yanked children ages 10 and under from their mother's arms into the sea to die. Even a 4-month-old baby was among them. Men and women slammed into the boat's walls by the gushing firehoses. Eventually, after being rammed by Cuban Government tugboats, the boat capsize amidst a whirlpool, throwing those aboard off.

One woman, Ms. Maria Victoria Garcia Suarez, survived to tell about it. While back in Cuba, having gone through this event, in an incredible display of courage, she defied the Castro regime and told foreign reporters in detail how she lost her husband, her 10 year-old son, her brother, three uncles, and two other brothers. A whole family wiped out. She and her son used a floating cadaver to remain afloat, but her son could not hold on, she lost his grip, and he drowned.

The cynicism and utter cruelty of this act is highlighted by the method that the Cuban Government chose for this death chase. Rather than stopping those who fled at the coast, Castro's thugs allowed them to go 7 miles offshore where no one could see their acts of murder. Forty-five minutes from the coast. Then they went for the kill.

The more details we learn about, the more barbaric we discover this act is.

Now, one would think that the people of conscience who work in the U.S. Government would respond with outrage to this heinous act. One would think that the editorial boards of our national media, such as the Washington Post or the New York Times would respond with horror and put it in print with the same conviction that they ask



for a lifting of the U.S. trade embargo on Castro. One would think that the international community would respond with indignation. One would think that those countries such as Mexico, Spain, and Canada, who are so eager to make a quick, cheap buck in Castro's Cuba would express their indignation by withdrawing their blood money. One would think so, Mr. Speaker.

But sadly, tragically their response, in a word, is silence. Deafening silence.

I ask: What will it take? What will it take for the U.S. Government to act as forcefully with the Castro dictatorship as it has with the other regimes in this hemisphere or abroad? What will it take for the international community to remove the rose-colored glasses through which it views Castro's dictatorship?

What will it take to get the lost lives of 40 men, women, and children, including a 4-month-old baby—which is a small sample of the atrocities that occur daily in Cuba—to merit even the tiniest footnote in our national press?

□ 1920

Tonight I call on the Clinton administration to demand an investigation by the Organization of American States into this incident. I call upon the United Nations to condemn these cold-blooded acts of murder. I call upon our Ambassador to the United Nations to lead that effort.

Mr. Speaker, where are the communities of civilized nations, and where are our colleagues who speak so eloquently of human rights in different parts of the world when it comes to the question of the violation of those basic rights for the people of Cuba?

Enough is enough, Mr. Speaker. Enough is enough. The time to break the silence is now. Join us. Join us in breaking the silence. Join us in striking a blow on behalf of human rights, not only for the people of Cuba, but throughout the world.

#### THE NEED TO DEAL WITH ILLEGAL ALIEN PRISONERS—SEND THEM HOME TO SERVE THEIR SENTENCES

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, last week, on behalf of myself and nine colleagues from both sides of the aisle, I introduced H.R. 4765, the Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994. When enacted, the President is urged to begin within 90 days the renegotiation of the existing bilateral Prisoner Transfer Treaties with Mexico and other countries which have sizable numbers of illegal criminal aliens in our prisons.

Currently, the U.S. taxpayer is paying the toll twice: First, for the crimes illegal aliens commit here; and second, for the cost of housing illegal alien inmates in our already overcrowded federal and state prisons. The annual incarceration cost to the United States to house illegal alien prisoners is approximately \$1.2 billion.

The Federal Bureau of Prisons reports that approximately 24 percent of its 91,000 prisoners are not U.S. citizens. The annual cost per inmate is \$20,803. According to the Federal Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California alone is \$375 million annually.

Alien prisoners come from some 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of that population is of Mexican origin.

The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually. The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit.

Almost two decades ago, in 1976, the United States established a Prisoner Transfer Treaty with Mexico. Most agree that this treaty is not working, and the facts support this. For example, under this arrangement Mexican citizens in the United States, who are arrested and convicted of a crime, may choose whether they will do their prison time in the United States or in Mexico. For the few who do return to Mexico, there is no assurance that they will serve the balance of their full term. It is time for a change of course.

H.R. 4765 provides the dual benefit of relieving our overcrowded prisons while simultaneously offering a multifaceted approach to improve border management. Domestic prison overcrowding would be relieved by having illegal alien criminals deported to their country of origin to serve out the balance of their sentence. Under this measure, countries which comply with the renegotiated treaty would be able to enroll at no cost their border management personnel in appropriate Federal and cooperative State training and educational programs. The incentive is increased competency for these foreign officers to control illegal immigration, drug interdiction, and other cross-border criminal activities such as to prevent the illegal transit of people and goods. Their success on the job would be of tremendous benefit to both countries. We should work with our neighbor, Mexico, which has been very cooperative in drug interdiction efforts, to ensure that its criminal population serves their prison time at home.

It is time for Congress and the President to take joint responsibility for the

impact on the States caused by the relentless flow of illegal immigration. The U.S. taxpayer should no longer be saddled with the full cost of supporting those who have not only crossed our borders illegally, but have committed crimes while they are here. Our bill seeks to alleviate one part of that burden.

Mr. Speaker, illegal immigration is a heavy cost to our Nation. Illegal immigrant criminal activity provides an even heavier cost. These are not simply regional problems. This is a national problem. We need your help.

Those joining me in this effort are: Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY.

Mr. Speaker, I ask that the text of H.R. 4765 be printed at this point in the RECORD:

H.R. 4765

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the 'Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994'.

#### SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

#### SEC. 3. FINDINGS.

The Congress makes the following findings: (1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages \$20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately \$1,200,000,000, including—

(A) for State governments, \$760,000,000; and  
(B) for the Federal Government, \$440,000,000.

#### SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

#### SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United

States who are incarcerated in the United States to their country of citizenship.

#### SEC. 6. TRAINING OF PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the appropriate Federal programs providing training and education in border management to enroll for training certain foreign border management personnel. The President shall authorize the enrollment of foreign border management personnel to such Federal programs and cooperative State programs as will enhance the following United States law enforcement goals:

- (1) Drug interdiction and other cross-border criminal activity.
- (2) Preventing illegal transit of people and goods.

□ 1930

#### GRAVE CONCERN ABOUT EXPECTED COMMITMENT OF UNITED STATES TROOPS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise again this evening as a member of the Committee on Armed Services to express by grave concern about the expected action of the President of this country to commit our troops to military action in Haiti within the next several weeks.

Last Thursday, I documented a memo, a confidential memo, from Dante Caputo, the U.N. special envoy to Haiti, that basically said that our intentions were not what they appear to be on the surface, but rather were being motivated for political purposes.

In fact, during a meeting between Mr. Caputo and Secretary General Boutros-Ghali, Mr. Caputo is quoted as saying:

The Americans will not be able to wait much longer than August at the latest to invade. They the Americans, want to do something. They are going to try to intervene militarily.

Then the memo itself, released by Dante Caputo, this confidential memo in fact states that the reasoning behind the invasion by this country of Haiti,

Is to demonstrate the President's decision-making capability and firmness of leadership in international political matters.

This is an internal memo circulated within the U.N. to the Secretary General.

Now, why would our President have to take this kind of action to demonstrate his firmness? I refer my colleagues to an article that was written and printed in the Daily Local News of Westchester on June 27, written by B.J. Cutler of Scripps Howard, their Scripps Howard foreign affairs columnist. He cites some of the editorial comments by the foreign media relative to our President's foreign policy leadership.

"Most foreign leaders are too polite to contradict him publicly," B.J. Cut-

ler went on to say, "but the overseas media are scathing." Example: "On foreign policy he is simply embarrassing," said Britain's *The Economist*. "Some of his flailing is understandable, but much of it is the result of lack of attention, time, and care, and, not least, lack of spine."

France's *L'Express* went on to say, Clinton, since his election, shows himself a real disaster in foreign policy matters.

B.J. Cutler went on to cite in his article four specific quotes by candidate and President Clinton on Haiti, as well as Somalia, China, and Bosnia, where in his own words the President has flip-flopped dramatically, which has caused these foreign leaders and the foreign media to respond accordingly.

Let me just cite the quotes on Haiti. November 12, 1992, Candidate Clinton:

I think that sending refugees back to Haiti was an error. And so I will modify the process. I can tell you I am going to change that policy.

On January 14, 1993, President-elect Clinton then said,

The practice of returning those who flee Haiti by boat will continue after I become President.

Then on October 13th, 1993, President Clinton said,

I have no intention of asking our young people in uniform to go in there to do anything other than implement a peace agreement.

Then on May 3 of this year, the same President said,

I think that we cannot afford to discount the prospect of a military option in Haiti.

Now we see why the foreign media and foreign leaders do not respect this President on foreign policy, because as they say, he has none. He flip-flops all over the place, puts his finger up in the air, and whatever way the wind blows, he makes a decision.

Now, we have seen an article in the Washington Post on July 12 of this year written by Lally Weymouth that in fact the President has already made an exchange with the Russians for their vote in the U.N. Security Council in support of the Haiti operation, that Russia will get in return sphere of influence peacekeeping abilities in the satellite countries around Russia.

Mr. Speaker, we cannot allow our troops, our men and women, to be used as political pawns. There is no justifiable reason to commit our troops to a military operation in Haiti. As one member of the Committee on Armed Services who also sits on the Committee on Merchant Marine and Fisheries that overseas our Coast Guard that is being heavily taxed at this very moment in terms of the Haiti operation, I will use every ounce of energy in my body to oppose any use of force in Haiti that will jeopardize the lives of American troops.

Mr. Speaker, I would hope that our colleagues would understand the very tense situation that we are in right

now and the direction this President is taking us, much like we saw in Somalia, where the generals were denied the backup support for those troops who were ultimately unable to be rescued in the streets of Mogadishu.

This President has got to learn one very important fact: This Congress will not allow him to use our military forces for his own political expedient actions.

#### MURDER OF INNOCENTS IN CUBA GOES UNNOTICED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise to join my colleague from New Jersey [Mr. MENENDEZ], in condemning in the strongest possible terms the brutality committed just last week by the Cuban dictatorship against more than 70 unarmed refugees in a tugboat who were seeking to escape the oppression of Communist Cuba.

As today's Miami Herald I think very eloquently states in an editorial, it asks,

Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their deaths by Fidel Castro's government? The prudent silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification. Would this complicitous silence greet the murder of innocent men, women and children fleeing other places?

My colleague just spoke about the very likely invasion of Haiti, which is certainly being contemplated, and may very well take place in the next few weeks. Well, Cuba is even closer to the United States than Haiti. There is even a greater national interest in what occurs 90 miles away than what occurs in a more distant island. The closest island in the Caribbean to the United States is Cuba, and for 35 years, a brutal dictatorship has oppressed a people, and the world stands in silence.

The reality of the matter is that even with this incident, where more than 40 unarmed refugees were assassinated by a dictatorship just a few days ago, I ask the American people watching on C-SPAN, how many of you have seen or have heard this news in the media? Have you seen in the networks coverage of this brutal assassination by a government 90 miles away from our shores, upon unarmed refugees? Have you heard that on CBS, NBC, ABC, and CNN? Have you heard that? Have you seen that in the network news? I have not. I hope I am wrong, but no one has informed me there has been coverage of that news.

Like the gentleman from New Jersey [Mr. MENENDEZ] stated, what will it take before the suffering of the Cuban people is heard in the international community?



□ 1940

What will it take before the newspapers and the media in this country and in the international community pay attention to the suffering that is occurring 90 miles, not in Somalia, not in Bosnia, not even in Haiti, 90 miles from our shores? How long will it take? What has to happen, Mr. Speaker, what has to happen for the Cuban people to be heard?

What has to happen before the international community demands elections and freedom for those people, like it demands elections and freedom and the restoration of democracy, for example, in Haiti and like it demanded elections and freedom from apartheid in South Africa? What has to happen?

But we are not talking about 10,000 miles away. We are not talking about 5,000 miles away. We are not talking about 500 miles away. We are talking about 90 miles away from our shores.

Just a few days ago, when I first heard about this story, I issued a press release, because since, in the last 6 weeks, two boats have arrived on the shores of south Florida, after having been shot at by Castro's Navy, and yet they managed to arrive anyway here on the shores of freedom. It did not take too much to assume that when this tugboat sank that there was a very high possibility of, if not probability, that it had been purposefully sunk by Castro's thugs.

So in a press release issued on that same day of the incident, I stated, "Up until this time, a number of news reports regarding this incident have been extremely worrisome. Since they have continuously referred"—and I have them here, Reuters and AP and AFP and a number of others, "since they have continuously referred to the 'rescue' of refugees by Castro's armed forces after a boat capsized. By not making even the slightest reference to the possibility," this was Wednesday, "that this incident is similar to others where Castro's armed forces shot upon vessels filled with unarmed refugees, these news reports reflect an extraordinary lack of seriousness, objectivity and sensitivity."

Well, confirmation came. Because even though the men that survived are now in prison, the women and children that survived—very few children survived, by the way, Mr. Speaker, but they are under House surveillance. And as the gentleman from New Jersey [Mr. MENENDEZ] stated, a number of them, I have had the opportunity to listen to three personal reports from survivors, women, and they have told the story and they have explained about how the murder took place and the purposeful sinking. Yet I have not seen to this day either in the networks or in the wires a story with that specific story told with regard to the actual occurrence of the assassination.

So something is happening. For some reason, there is a practice that is not

reflective of a free press, but rather a press with an agenda. My time may have run out, but this subject must be discussed further.

□ 1950

#### TIME FOR CONGRESS TO ACT ON HEALTH CARE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from Kentucky [Mr. BARLOW] is recognized for 5 minutes.

Mr. BARLOW. Mr. Speaker, as we enter this most important debate—the providing of affordable medical care for our people—let us reflect upon the necessity for action by the Congress. I pray that we do not hang ourselves up in divisive rhetoric. I pray that we do not hang ourselves up in rigid frameworks of political alignment for voting. I pray that as we cast our votes on the floor of this House that we come together in unity for the welfare of our people. Let us keep our eye on the main.

It is the steadily rising costs of medical care that are compelling us in Congress, the representative body of our people, to act. And it is these costs as they are sorted out through today's medical payment framework that, increasingly, delivers and distributed costs in painfully unfair contortions that are compelling us to act.

Let us consider rising costs first. For a young working family today with a medical insurance premium of \$300 a month, at a 10-percent increase in the costs per year, that \$300 premium becomes a \$500 per month premium in the year 2001. For a senior citizen on a fixed limited income, a \$100 cost for prescription medicines goes up to almost \$200 per month by the year 2001 at a yearly 10-percent increase.

For the demonstration of a medical payment framework that shifts costs unfairly consider this example—a healthy young person without insurance is in a car accident. With serious injuries and unconscious, the victim is taken to the nearest hospital as quickly as the ambulance can travel. Surgery and rehabilitation to restore this young person to good health will cost many, many tens of thousands of dollars. Remember, this person is without insurance. But the medical charges must be paid in some manner. The hospital must continue to function. The staff must get their pay. The lights must go on at night. Therefore, inevitably, these costs will be shifted and payment of this person's bills will be made by insurance plans, private patients, and government medical accounts that do business with the hospital.

Today, we are accomplishing miracles in modern medicine. Who would

have thought just a few decades back that we would develop such miracles as open heart surgery, hip replacements, cancer treatments, and rehabilitative methodologies that put people back in their communities, in their working lives, happily enjoying their families and loved ones, looking forward to productive worlds for years to come.

But as we know, many of these miraculous cures come at high prices. Consider then the quiet desperation of many of our seniors on limited, fixed incomes—social security and perhaps slim pensions—as they look ahead at these expensive treatments. Reflect upon this statistic—one in five working Americans, working full time earns under \$13,091 each year, the poverty line—a 50-percent increase in the numbers of working Americans in this below poverty category since 1979. How are they to pay for their families' medical needs if they become serious?

I pay my deep respects and gratitude to our business people who down through the years have labored hard in sacrifice to provide medical insurance and care for their employees. I urge them on in their efforts at self insurance, alliances, and group coverage to negotiate lower costs for their employees.

And yet, here is why I believe we must have "Universal Coverage." Because anyone not covered by affordable medical care is inevitably going to be made to pay higher charges by their medical service units to enable those units to recover fees they had to give up in negotiations with group alliances. Similarly, the small business with its insurance plan is not able to negotiate as favorably with insurers and providers as can the large employers with thousands of employees. Thus, individuals not covered by affordable medical care will pay the most: Small business with coverage will pay somewhat lower tiers of costs—while large businesses with their negotiating power will pay the least. And inevitably the government will come in for a billing of all the unpaid costs in some manner. So the tax burden on taxpayers increases.

What I believe we are talking about with the term "Universal Coverage" is not just the receiving of medical treatment when needed—that is generally available now, especially for catastrophes, for crisis medicine. If you break a leg, the emergency room is going to fix your leg regardless of your ability to pay. What I believe we are visualizing with "Universal Coverage" is providing everyone with, generally, the same cost schedule and then providing the means for each of us to pay ahead to meet those costs when they eventually, inevitably raise.

This financial crisis in our medical care accounts has been building steadily for some years. Since we did not get here quickly, we will not resolve ourselves along more responsible financial

courses quickly. But the financial crisis must be dealt with. I do believe that if we do not act we will be hung up for heavy criticism by our people. For now, we have studied enough. For our people, we must move ahead.

#### AFTER 20 YEARS, TIME FOR UNIFICATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, tomorrow will end the 20th year of illegal Turkish occupation of Cyprus; the 20th year of this island nation's division by force of arms. For 200,000 displaced Greek Cypriots, it marks the 20th year as refugees in their own country; and for the families and friends of 1,614 Greek Cypriots and 5 American citizens, it ends yet another year of searching for abducted loved ones still unaccounted for. We hope that it may be the last; 20 years is enough.

The status quo cannot stand. The Green Line of Cyprus's division is a bloody stain on the face of a Europe working toward unification. It signifies not only a nation divided, but families torn apart and friends separated from friends. The responsibility for this tragedy falls squarely on the Turkish invaders. As United Nations General Secretary Boutros Boutros-Ghali concluded, it is the Turks' "lack of political will" that has stalled all settlement talks.

The United Nations has proposed a series of confidence building measures as steps toward demilitarization and peace on the island. The Greek Cypriots have accepted the measures, despite problems with particular provisions, but the Turkish side has stubbornly refused to make any concessions. Rather than establishing their interests as part of the legitimate government of a bicomunal Federal Republic, the Turkish Cypriots have claimed irrationally that the region Turkey occupies by force is a sovereign state.

As Cyprus, President Glafcos Clerides has said, "Cyprus has every potential to be a model of success and a source of hope." But reconciliation must begin with a full accounting for the 1,614 missing Cypriots and the 5 missing Americans. In our continuing endeavor to resolve ethnic conflicts, we cannot tolerate the invasion by armed force and program of ethnic cleansing that Turkey has employed. Instead, we commend the Greek Cypriots for their tireless quest toward a free and equitable reunification. We join the Cypriot people in rejection of Turkey's invasion and we condemn the illegal occupation. Turkey must be made to recognize that aggression will not be rewarded. Its occupation will not be recognized.

As a champion of democratic freedoms worldwide, the American people

have always supported the Cypriots' cause. The end of the cold war has pushed human rights to the forefront of the international conscience. We must ensure that the new world order is one of justice and peace. Twenty years is long enough.

Mr. Speaker, let us hope that next year, the fathers and the sisters and the brothers and all the families who have suffered for far too long can put an end to this injustice, and we can work together for peace and fairness and human rights in this part of the world.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

□ 2000

#### WHITEWATER AND DEATH OF VINCE FOSTER

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, over the past few weeks, I have been talking about the Whitewater affair, the death of Assistant White House Counsel Vince Foster, the strange circumstances surrounding his death, and other things connected to White House activities, or some of the people at the White House. As a result, I have been criticized by some members of the majority because they thought I was a little bit insensitive, particularly regarding the family of Vince Foster whose untimely death happened last July. They say, "Why can't you leave that family alone?"

I am not insensitive to their concerns. A family that has lost a loved one under these kinds of tragic circumstances certainly should expect some kind of sympathy from the people who are in the Congress of the United States.

Nevertheless, there are strange circumstances concerning his death that need to be explored. The investigation into Whitewater, the Arkansas Development Financial Authority, and Vince Foster's death, and the people who went into Vince Foster's office right after he died needs to be looked into by the Congress of the United States. Yet Special Prosecutor Mr. Fiske, in my opinion, has deliberately tried to limit the scope of the investigation so that Congress cannot get the answers that

we should. As a matter of fact, Federal Judge Charles Richey, who has the Leach document suit pending before him, is very concerned about Mr. Fiske's activities as well. Richey denounced Whitewater Independent Counsel Robert Fiske for his efforts to limit the scope of the Whitewater hearings that will be held by the Banking Committee later this month, saying Fiske was infringing on constitutionally guaranteed congressional rights and obligations.

The judge said, "I don't believe the independent counsel has the power to tell the Congress what they have the power to look into and when." I agree with that. But the fact of the matter is Mr. Fiske, in my opinion, is obfuscating the issues and keeping the Congress from getting to the bottom of many of these questions.

U.S. News & World Report said this week in their magazine:

Based on strong forensic evidence, Fiske's report concludes that Foster did indeed take his own life in the spot where he lay at Marcy Park.

I want to talk about that tonight. I want to talk about a lot of things concerning Whitewater and the Fiske investigation. I do care about the feelings of the Foster family. That is why I want to find out really how he died and why.

This weekend when I went home to my district, I took the opportunity to do some investigative calling on my own. I called a ballistics expert in California who deals with this type of homicide or suicide. He said that a .38-caliber bullet like that which was fired into Mr. Foster's mouth would have traveled a maximum of 1,200 to 1,600 feet after it exited his skull. That is about 500-yards maximum.

The investigation, which took place 9 months after Mr. Foster's death, never found that bullet. You say, "That is like finding a needle in a haystack." That is not so. With the expert people that they had out there, they had 16 FBI agents going all over the place with all kinds of modern technological equipment, they should have found that bullet. But it was not there. They found all kinds of other bullets, even Civil War bullets that were buried under the soil. But the fact of the matter is they did not find the one that killed Vince Foster. If you go 500-yards back and you take a pie shape out this way, you are looking at an area that is no more than 100- to 150-, 200-yards wide and 500-yards deep. They should have found that bullet.

Foster's body was not x rayed because the county coroner in Virginia who investigated this said the x ray machine was broken. Why didn't they find another x ray machine? They should have, to find out if there were fragments in the skull that would have given more information regarding how far the bullet may have traveled if it



was exiting his skull at that particular location.

The Fiske report contains voluminous material on the background and qualifications of the forensic experts who examined the physical evidence of Vince Foster's death. No doubt these people are well qualified and hard-working. But they had limited physical evidence because their work started 9 months after Vince Foster was dead. They did not see the body. All they saw was paper evidence, other people's work. They had no x rays. They were looking at secondhand evidence.

No fingerprints were found on the gun in Vince Foster's hand. The man allegedly committed suicide at Fort Marcy Park, but there were no fingerprints on the gun. Fiske's report says the hot summer day may have melted the fingerprints off the gun. Come on, now. Give me a break.

In addition to that, there were no fingerprints on Vince Foster's suicide note. They looked in his briefcase on two separate occasions looking for evidence concerning his suicide, and they did not find anything. The third time they looked, then they found 27 pieces of paper, 27, a suicide note, but there were no fingerprints on them.

If Mr. Foster was such a close friend of President Clinton, why did President Clinton wait 9 months before beginning an FBI investigation? He had the Park Police out there looking into this. Clearly the FBI has much more experience with this type of investigation than does the National Park Service. Clinton should have had the FBI begin the investigation immediately. But they did not do it. They waited almost a year.

The Fiske report says blonde hair, carpet fibers and wool fibers were found on Foster's body and clothing. Whose hair was on his body? It was not his. Foster's diary, which they took out, which Clinton's people when they went into Foster's office later that day, when they took that diary out of there, that diary could have told us a lot about who possibly was with Foster and whose hair that might have been on his body.

The other body went to great lengths to obtain a diary of one of its Members in a sexual harassment case. This one is a death. Yet we have not heard one word from the special counsel about the diary. Did Fiske read Vince Foster's diary? Why hasn't he said anything about it in his report? Because it could give us evidence and maybe even tell us whose blonde hair was on his body and where Fiske was between 1 and 5 that afternoon.

Robert Novak, columnist Robert Novak is the only one that I know of that has been able to get Robert Fiske to respond to any questions.

He asked Special Counsel Fiske why they found no skull fragments in the park. Fiske responded, "Because the search wasn't conducted for 9 months."

That is a terribly sloppy way to conduct an investigation. If someone is killed in a given location or commits suicide, the forensic expert should be out there that afternoon or the next day, especially if it is someone as highly visible as the Assistant Counsel to the President of the United States. Any kind of mysterious death or murder that takes place like this, they are out there right away, yet they waited 9 months before they went out there with the FBI and the forensic experts.

Mr. Novak asked Fiske why he did not try to identify the hair. Fiske's response was almost insulting to the intelligence. He said:

While we have not concluded where this blonde hair came from, there is no evidence to suggest that it provides any evidence of circumstances connected to this death.

Let us just go back and look at all of the questions about the Foster suicide, or alleged suicide.

There was no bullet found in the park. There were no skull fragments found in the park. There were no fingerprints on the gun. There were no fingerprints on Vince Foster's suicide note. The hairs and carpet fibers on Foster's clothes were never explained in the report. The gun was in the wrong hand. He was left-handed, the gun was in his right hand. The head was straight up. His head was straight up when he was found by the gentleman in the white van who stopped in the park. But if you look at the report, they will say that Vince Foster had blood on his cheek and blood on his shirt and it was evident that his head laid against his shoulder. Who straightened his head up?

In the report they say that one of the people who came there to investigate it must have moved his head. But they forgot that the man who found him said his head was straight up when he found him.

So who moved the body? Where did the carpet fibers come from? Whose hair was it on his body? Why were there no fingerprints on the gun?

There is all kinds of questions that are not answered in this report. Yet we are supposed to accept it at face value.

Finally, the gentleman who found the body said he walked up to within 3 feet of the body, and he looked right down into the glazed eyes of Vince Foster, and he said the head was straight up, and he looked in both hands, and there was no gun in either hand.

And he said that not once, not twice, but three times in a conversation with Mr. Liddy over a kitchen table. Mr. Liddy asked him, he said, "Hey, did you see the picture that showed the gun in his hand?" The man looked surprised and said, "There was no gun in either hand. I looked at it very closely." He was asked twice more by Mr. Liddy, was there a gun in either hand. He said no. He was absolutely sure of it. Yet in the report they said that the

hand had the gun in it, the thumb was in the trigger guard and the hand was down underneath the leg, in the foliage.

□ 2010

After they asked this gentleman several times he said, "Well, perhaps we could have been wrong." But he insisted time and again that the head was straight up and the hands were at his side so there are all kinds of questions about the death of Vince Foster. And they need to be answered, and the only way we are going to get a complete answer to all of these questions is to have a congressional investigation and Mr. Fiske, in my opinion, is trying to stop Congress from having an investigation by prolonging this thing and holding evidence away from us.

In addition to that, we have some other questions that must be answered. A number of them. At 6 p.m. on July 20, 1993, 1 year ago, Vince Foster was found dead in Marcy Park. Shortly after 9 p.m., the chief of staff at the White House, Mack McLarty was told about Foster's death. McLarty ordered Vince Foster's office closed and sealed. However, the office remained opened and unlocked overnight and was not sealed until 11 a.m. the next day.

At that time they posted a guard on the door but what happened between the time Vince was killed or committed suicide and they put a guard on that office?

Despite the order from McLarty, less than 3 hours after the body was found, White House officials went into Vince Foster's office and removed records of business deals between President Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling the FBI or Federal authorities who were investigating the death. They went in there for 2 hours and took files out and the people who went, whether White House counsel Bernie Nussbaum, the President's special assistant Patsy Thomasson and Mrs. Clinton's chief of staff Margaret Williams. Now, Bernie Nussbaum said they were only in there 10 minutes but the Park Police said they were in there for over 2 hours taking files out of that office.

During this first search Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. White House officials did not confirm that this search of Foster's office on July 20, took place until December. They did not even tell anybody they had been in there taking those files out for almost 6 months when they had to because it came out.

Two days later on July 22, 1993, Mr. Nussbaum and White House officials went into Vince Foster's office for a second time. By now the office was locked and under guard. They collected more documents. Some were sent to

President Clinton's attorney and others were sent to Vince Foster's attorney, Mr. James Hamilton. During the second search Mr. Nussbaum, using executive privilege, told the FBI to stay out of the room and the Park Police to stay out of the room. Dee Dee Myers, the White House press secretary said:

Bernie,—

That is Mr. Nussbaum—

went through and sort of described the contents of each of the files and what was in the drawers while representatives of the Justice Department, the Secret Service, the F.B.I. and other members of the counsel's office were present.

According to other sources, the FBI agents and the Park Police were ordered to sit on chairs in the hallway while the White House staff went through documents that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was doing or what he was taking. One FBI agent was reprimanded when he stood up to look in the room. "This is Executive privilege, you stay out there and sit down."

Park Police later discovered that Whitewater records had been removed from Vince Foster's office during the second search, after they visited James Hamilton, Foster's lawyer a week after the death to review a personal diary that was also taken during one of the searches and that personal diary I think could very well tell us whose blonde hair was on Vince Foster's body and where he might have been between 1 and 4 that afternoon and whether or not he actually died at Fort Marcy Park because the body was moved, in my opinion. They never found the bullet. No fingerprints on the gun, carpet fibers all over the body. And the body obviously had been moved at least at the location they found it and it may have been moved from someplace else but the diary may have given more evidence but nothing has been done about that.

The attorney, Mr. Hamilton, allowed Park Police to briefly inspect Vince Foster's diary and other documents. However he did not allow them to make any copies citing privacy concerns and he refused a request for access to the diary and documents by the Justice Department. He would not let them look at it.

Did Robert Fiske review Vince Foster's diary, the special prosecutor? His report says not one thing about it. If it does not, why did he not look at it? He is the guy that is supposed to investigate all of this stuff. It might identify to whom the blonde hair on the body belonged. This is important evidence and it has never been checked.

On July 27, 1993, White House officials reviewed that. On July 26 they found a note supposedly written by Vince Foster in the bottom of his briefcase which was in his office and that note as I said before like the gun, had no fingerprints on it but it was not out

of the sun so they could not have melted off of that note. They said they missed the note in their first two searches. They had looked through that briefcase twice and they missed 27 pieces of torn up paper. The note was unsigned, undated and torn into 27 pieces and it bore no fingerprints.

Here is a few questions I would like Mr. Fiske to answer. First, when did White House chief of staff Mack McLarty give the order to seal Vince Foster's office and how was the White House staff informed of McLarty's order?

Second, why was the office not sealed until 11 a.m. the next morning? Was it because they wanted to get in there, Bernie Nussbaum and Patsy Thomasson and others to get in there and get files out that they wanted? How did they first learn about Vince Foster's death, the people that did go in the office and the people at the White House? Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office or did one of them make the decision to do that on their own, and if so, who?

Fifth, if someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office what were they looking for? Why would Hillary Clinton's chief of staff be involved in the search of Vince Foster's office? Why would the First Lady's chief of staff be going in there looking around the files?

Seventh, why did they remove the Whitewater files, and whatever happened to them?

Eighth, were other documents taken? Were documents destroyed? How can we ever know for sure at this point?

Ninth, where were the documents when they entered the office? Were they locked in safes, or in locked files? And if so, how were they opened?

Tenth, should they not have left everything alone for the police and FBI to investigate? Would you think so in a case like this? One of the leading people in the U.S. President's administration, would you not think they would want the FBI and police to do a thorough analysis of everything? But no, they were in there like that, getting everything out that they could.

Eleventh, instead of keeping the FBI from doing its job, should not the White House staff have given law enforcement their full cooperation after their friend and colleague was found dead?

Twelfth, if Vince Foster was President Clinton's friend, and he was, why did not the President immediately order the FBI to take charge of the entire investigation instead of allowing the Park Police to take charge? They did not have the kind of experience to conduct this kind of investigation and if you read the report you will find out why. They laid his clothes on contami-

nated paper so a lot of evidence was damaged. The pictures they took were overexposed so they did not get proper pictures. The Park Police does a great job in many respects but they were not qualified to do this and I think those around this case know it. And they should have had the FBI and the experts in there right away. The Park Police has little experience in investigating suspicious deaths.

Did anyone else besides the three I mentioned go into Vince Foster's office that night, and if they did what did they take out?

Thirteenth, did the White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office? They did not let anybody know about that first trip into his office for almost 6 months.

Fourteenth, how did the White House staff miss a note torn into 27 pieces in the bottom of Vince Foster's briefcase during their first 2 searches of his office?

Fifteenth, why were there no fingerprints on the note? Why were there no fingerprints on the gun? Why was the gun in the wrong hand?

Sixteenth, what documents were given to Vince Foster's attorney, James Hamilton, and what was given to the Clinton's attorney, David Kendall? Were any of these documents destroyed?

Seventeenth, who were all of the White House officials involved in the second search of Vince Foster's office and what did they take out of there?

□ 2020

Eighteenth, did the White House staff have a legal right to prohibit the FBI and Park Police from searching Foster's office as part of an investigation into Foster's death? They used Executive privilege to keep the Park Police and FBI out of there. Nussbaum said that to them according to the information we have, told them to stay out in the hall. Did he have authority to do that in this kind of a case?

Nineteenth, has the Banking Committee requested the phone logs of Bernie Nussbaum, Patsy Thomasson, and Margaret Williams for the period immediately following the Foster death until the actual search of his office? If not, why have they not checked those logs to find out who they talked to? We should know who these three officials talked to before they went into and removed these documents from Vince Foster's office.

There are a million questions that need to be answered, and when I see that they are accepting at face value this report, it really makes me ill. It makes me very ill. And yet that is exactly what happened, and when I see U.S. News & World Report saying the forensic evidence was so overwhelming that he had to commit suicide at Fort



Marcy Park, it sickens me, because the forensic evidence, if you really take a look at it, does not prove that at all. It leaves all kinds of gaping holes and questions in the investigation. You just have to look at the thing. Read it. I do not know how many news people I have talked to who say, "Oh, my gosh, that was a very comprehensive report." And when I say, "Did you read this, did you read this, did you read this," they do not know what I am talking about.

I had one news reporter from a major network contact me and ask me questions about it when they had the document in front of them. I think that is very, very unfortunate.

Now, let us look at the Rose Law Firm down in Arkansas. Jeremy Hedges, a part-time courier at the Rose Law Firm, told a grand jury that he was told to shred documents from the files of Vince Foster after special prosecutor Robert Fiske had announced he would look into Foster's death. Fiske was appointed January 20, 1994, and yet down at the Rose Law Firm they are saying, "We want you to shred these documents," even though an investigation was already commissioned and ready to start. Even before a subpoena is issued, the law prohibits people from intentionally impeding an investigation by destroying evidence they know investigators want.

So the people at the Rose Law Firm who asked this Jeremy Hedges, this part-time courier, to start shredding documents may have been guilty of violating the law and impeding an investigation into this death.

In February after Fiske served subpoenas on the law firm's employees, Hedges and the other couriers employed by the firm were called to a meeting with Ron Clark and Jerry Jones, two of the firm's partners, after Fiske had served subpoenas on the law firm.

These couriers were asked to meet with Ron Clark and Jerry Jones, two of the partners in the firm. Jones challenged Mr. Hedges, that is, this part-time courier, he challenged his recollection that he had shredded documents belonging to Foster and cautioned him against relating assumptions to investigators. He started trying to tell him what to say.

"I said," Hedges recounted, "I shredded some documents of Vincent Foster's 3 weeks ago." Jones replied, "How do you know they were Foster's? Don't assume something you don't know." Hedges said he was certain they came from Foster's files. Jones then said, "Don't assume they had anything to do with Whitewater." Sounds like they were trying to cover up something, does it not? We have not heard anything from Mr. Fiske about this yet.

The box Hedges was told to shred, and all of its file folders, were marked "VWF," and that is the firm's shorthand for Vince Foster, and he was

shredding these documents. None of the documents he saw related to Whitewater development, Hedges said. How does he know? He was shredding these documents fast as he could going through there.

However, another Rose employee told the Washington Times documents showing Clinton's involvement in the Whitewater project had also been destroyed and had been ordered to be destroyed. The shredding reportedly occurred February 3, 1994.

During the 1992 Presidential campaign, three current or former Rose employees said the couriers from the Rose law firm were summoned to the Arkansas Governor's mansion by Hillary Clinton who personally handed over records to be shredded at the firm's downtown office. The shredding began after the New York Times reported on March 8, 1992, the involvement of Bill Clinton, Governor Bill Clinton, and his wife in the Whitewater development. They were sending documents from the Governor's office over to the Rose Law Firm to be shredded. This is documented. Couriers made at least six other runs during the campaign. They were given sealed, unmarked envelopes with instructions that they were to be shredded at the firm. The shredding continued through the November 3 general election.

Records belonging to Webster Hubbell, Vince Foster, and William H. Kennedy III also were shredded. A current employee said, "A conservative estimate would be that more than a dozen boxes of documents were ultimately destroyed." What was in those boxes, do you think?

James McDougal and his wife Susan, now divorced, have said they personally delivered all the Whitewater records to the Governor's mansion in December of 1987 at Hillary Clinton's request. She wanted all of those documents over at the Governor's mansion. Then in 1992 they are sending them over to the Rose Law Firm to be shredded.

Is that obstruction of justice? I do not know. We ought to look into that.

So here are a few questions. First, why would the Clintons order the records from the Governor's mansion be shredded during the 1992 Presidential election? why would they do that?

Second, could it be just a coincidence that the shredding began just after a March New York Times article detailing Bill and Hillary Clinton's involvement in Whitewater? It started right after that.

Third, why would officials at the Rose Law Firm order a courier to shred documents bearing Vince Foster's initials after Robert Fiske announced he would investigate Foster's death? I mean, after his death, Fiske said he was going to investigate it, and they start shredding documents with his ini-

tials on it at the firm. Would not Vince Foster's former colleagues at the firm want to cooperate in every way with an investigation of their good friend's death? So why were they shredding these documents?

Who gave the initial order the Rose Law Firm documents belonging to Vince Foster, Webster Hubbell, and William Kennedy be destroyed during the 1992 Presidential election? Who gave the initial order that Vince Foster's records be destroyed this year after Fiske was appointed special prosecutor? Who told them to destroy those records at the Rose Law Firm? Or was it somebody from the Rose Law Firm?

Who gave the order that Bernie Nussbaum and Patsy Thomasson search Vince Foster's office and remove files right after Vince Foster's death?

These are questions that must be answered. I do not believe Mr. Fiske is going to give us these answers or get these answers. There is a growing suspicion that Mr. Fiske does not want all of this investigation put out into the public. I hope that is wrong, but there is a growing concern about that among people in this body, and I am one of them. I am very concerned about that.

As a matter of fact, I have written a letter, along with nine of my colleagues, to the three-judge Federal panel urging them, if Mr. Fiske is suggested to be the independent counsel, that they pick somebody else, because we really need to get all of the information before the American people so the American people will know what really happened. And in order to do that, we need to have complete and thorough congressional hearings, and every time we try to do that we are stopped saying, "Oh, my gosh, you are going to impede the investigation by Mr. Fiske." And yet when we look at what Mr. Fiske has come up with in the Vince Foster death, we find holes big enough to drive a truck through.

Yet, when you look at the media like U.S. News & World Report, they say the forensic evidence is so conclusive obviously he did commit suicide at Fort Marcy Park. I do not think so.

I think anybody who is discerning and looked at these facts and questioned this report will come to the same conclusion that I have, and that is that we do not have the answers. We do not know why there were no fingerprints on the gun. We do not know why his head was straight up when it was obvious his head was on the side. We want to know who moved the body. Whose hair was on his body? Why were there no fingerprints on the gun? Why were there no fingerprints on the notes? Why did they shred those documents? Why did they go into his office and take those files out within hours after he died, all relating to income tax returns and Whitewater and Lord only knows what else? Why did they, after the Fiske investigation started, start

shredding documents with Vince Foster's initials on them at the Rose Law Firm?

These are things the American people need to know.

To the media, I would say, "Start asking these questions." These questions should not be left unanswered, and this body should be investigating it, and we will continue to do our best, but we are up against a stone wall right now with the special counsel.

We need these answers, America.

□ 2030

#### THE TWENTIETH ANNIVERSARY OF TURKISH OCCUPATION OF CYPRUS

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the minority leader.

Mr. BILIRAKIS. Mr. Speaker, I guess in a sense I can say, "Here we go again." I think it is a tragedy, an outrage that we feel we must do this again. Of course, I refer to the illegal invasion, the illegal Turkish occupation that took place on the island republic of Cyprus on July 20, 1974. Tomorrow is the 20th anniversary of that outrage.

Mr. Speaker, I began to hold these special orders when I first came to the Congress in 1982, to commemorate, to recognize really, I guess remember is the best word, this sad day in the history of Cyprus. In 1982 we were commemorating the 8th year of the illegal occupation. Now, more than a decade later, Cyprus is facing, as I have already said, its 20th year of illegal occupation.

Altogether, 2 decades of unanswered questions, 2 decades of division, 2 decades of human rights violations, and certainly 2 decades of cultural destruction.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to thank and commend the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order marking the 20th anniversary of the Turkish invasion of Cyprus.

Mr. Speaker, just today, the House Foreign Affairs Committee, adopted a resolution, calling on the President to help bring about an accounting of the 1600 Greek Cypriots missing and prisoners as a result of the Turkish invasion.

Twenty years after Turkey's brutal invasion of Cyprus, its troops, more than 30,000, still remain enforcing the tragic division of that island. The lat-

est negotiations with the Turkish Cypriot side on the package of confidence-building measures [CBM's] proposed by the United Nations has led to even further concessions favoring the Turks.

Meanwhile the Government of Cyprus, which had previously indicated its willingness to accept the CBM package as contained in the March 21 U.N. proposal, has found that its good faith has not resolved the Cyprus situation but only produced the need to make further concessions. The Cypriot Government and people have good reason to ask themselves if the CBM proposal has only provided Denktash and his Turkish Cypriot associates with another means to obstruct and delay negotiations on the real issue—namely ending the 20-year division of the island of Cyprus.

Mr. Speaker, it is time for us to face the fact that the Turkish community in Cyprus does not have the political will to take even modest initial steps toward a rapprochement with their Greek neighbors. Although recognition of this fact is unpleasant, particularly in light of expectations that were recently raised by optimistic statements from the United Nations, it must nevertheless be faced. The question is where do we go from here?

The retirement at the end of May, of United States Representative for Cyprus, Ambassador Robert Lamb, has produced another vacuum in America's Cyprus policy. I urge President Clinton to appoint without delay another outstanding individual to continue the engagement of the United States in efforts to bring about a solution for Cyprus. Crucial negotiations on a Security Council resolution on Cyprus are now underway and we need to have someone with the necessary experience and diplomatic skill to assist the United Nations in continuing its process to find a peaceful solution for Cyprus.

Mr. Speaker, we all realize that the key to such a solution lies in the Turkish withdrawal from occupied Cyprus. I have urged and will continue to urge the administration to do more to focus the Turkish Government on the necessity of withdrawing from Cyprus without further delay. Regrettably, recent elections in Turkey have left Prime Minister Ciller in a weaker position and thus less able to rein-in recalcitrant elements among Turkey's political and military establishment. But the fortunes of the people of Cyprus must not be held hostage to internal Turkish political problems.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. We hope and pray that both sides of the problem will reach within themselves to find the resolve to settle this persistent problem.

The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N.-

sponsored talks. The international community and the United Nations should recognize this as we reevaluate our tactics in the light of the most recent failure to move beyond the current situation.

Twenty years is a long time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

Let us hope and pray that we will soon see a unified and peaceful Cyprus.

Mr. BILIRAKIS. I thank the gentleman for his statement. I almost had tears in my eyes, I say to the gentleman, when I heard his statement.

Mr. Speaker, the gentleman from New York is a hard-working Member of the House of Representatives and certainly is one of the most caring. He rolls up his sleeves and puts his energy behind his caring. I appreciate it very much. On behalf of those wonderful people who have been taken advantage of and who have lost so very much, certainly a large part of their country, and also the young people, the people who have suffered, the families who have suffered, I thank the gentleman for all of that.

Where do we go from here? Well, it is really up to this Congress; that is where we go from here. Hopefully, this will be the last time that the gentleman and I will have to do this in this type of fashion. Hopefully, next year we can get up and express gratitude about some of the good things that will have taken place. But certainly it is only going to be done if this Congress is willing to do it. There is a lot of rhetoric, but not the action that really needs to take place.

Mr. Speaker, the gentleman may know that there is a group of people in Washington, with younger people who have been conducting a fast, consuming only water since July 15, in order to protest the continued occupation of their island of Cyprus.

□ 2040

Their names are George Koutsoftas from Famagusta, an area that has been occupied. He is a relative of one of the 1,614 Greek Cypriots missing in Cyprus. There is Chris Nicolaou, also from Famagusta; Argyris Papadopoulos from Kalavassos, and a young gentleman, Onisiforos Iordanou, from Lymassol. These young people, along with many others, are conducting a fast on their own and have asked some of us to join them in a symbolic fashion sometime tomorrow, and hopefully we can do that. In addition, up in the



gallery is the father and two sisters of one of the five missing Americans. As my remarks will share with my colleagues in a few minutes and as we have all talked about and many of us know about, there are five Americans, five Cypriot Americans who are American citizens, who were abducted by the Turkish forces back during that invasion, and one of them was Andrew Kassapis from Detroit, MI, who had his American passport in hand when he was abducted 20 years ago, 20 years ago tomorrow, and his family just does not know what has ever happened to him. They do not know whether to hold a memorial for him or what the situation is, but his father, Costas Kassapis, and his daughters, his sisters, the young man's sisters, Faye and Irene, are also in the gallery, and we welcome them here. I just wish we could welcome them under better circumstances.

Mr. Speaker, I say to the gentleman from New York, "BEN, thank you for all you do and try to do," and, Mr. Speaker, I would at this time read a letter from the Famagusta municipality, and underneath the title of the letterhead are words: Displaced since the Turkish occupation of 1974. It is dated July 18, 1994, to His Excellency, the President of the United States Congress, and that is the way it is worded, Mr. Speaker.

"Your Excellency," it goes on to say,

Never in the history of mankind has such a crime against humanity in flagrant violation of international law been committed against a small and defenceless country, with such horrendous consequences as the aggressive military occupation by Turkey of 37% of Cyprus Republic, the criminal forcible expulsion of 200,000 Greek Cypriots from their ancestral homes and properties and their prevention by the Turkish occupation army to exercise their basic human rights of return, the ethnic cleansing applied by Turkey by the implantation of 80,000 Anatolian settlers from Turkey who were given our homes and properties and the systematic destruction of our cultural heritage in the occupied parts of our island.

Mr. Speaker, I might add I have relatives, first cousins and their families, who are displaced from Famagusta and lost everything they owned, and this letter goes on to say in another paragraph:

And this continues to be done and sustained by the inaction of the Security Council to enforce its resolutions and of all those Governments and States of the world who, throughout the years, have been telling us that they were struggling for a better and more just world, for the establishment of freedoms and human rights for all.

Then, Mr. Speaker, in his next paragraph he goes on to say:

For the last twenty years we have been going to see our occupied town of Famagusta from the barbed wires and every time we ask ourselves and we ask you to tell us where are the fundamental freedoms and basic human rights for us when the twenty years a foreign army of aggression prevents us to exercise even the most sacred right to visit our town of Famagusta with a Greek history and civ-

ilization of 36 centuries and Kindle a candle on the grave of our fathers and mothers? Are there two kinds of freedoms and human rights one for the strong and another for the weak and defenceless people?

The next paragraph:

Instead of taking effective international action against the foreign aggressor—Turkey—calling her to end its military occupation of Cyprus and give an end to the continuing massive grand violations of the human rights of the people of Cyprus, you force us to accept the so-called "realities" of foreign aggression, thus establishing an international precedent that a strong country can invade a weaker country and colonize it as was done in the blackest days of history of mankind.

And the mayor's last paragraph:

I urgently appeal to you on behalf of the Municipal Council of Famagusta, on behalf of the 60,000 forcibly displaced people of Famagusta, give us back our whole beloved town and all our occupied towns and villages so that we can all return to our homes and properties in peace and justice without foreign conquerors, foreign armies and foreign settlers who have nothing to do with our history and civilization.

Twenty years is too long a period to suffer. Enough.

Yours, with great respect,

(ANDREAS CH. POUYOURES)

Mayor of Famagusta, Cyprus.

Mr. Speaker, going on to my special order, so now, more than a decade later, Cyprus is facing its 20th year of illegal occupation; all together, as I have said earlier, I think two decades of unanswered questions of division of human rights violations and cultural destruction. I would call upon the gentleman from Ohio [Mr. HOKE] at this time if he would like to join in this special order.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida [Mr. BILL-RAKIS] very much, and I am both delighted and honored to be a part of this special order tonight.

Mr. Speaker, I happen to have the privilege of representing on the west side of Cleveland and all of Cuyahoga County's west side in Ohio a large number of Greek and Cypriot Americans who have brought to my attention as their Representative of Congress the extraordinary struggle that has been going on in Cyprus for the past 20 years and the extraordinary difficulty that not only the 1,619 people whose whereabouts are still unknown 20 years later in 1994, but also those 5 United States citizens who are unknown, and I have also had the opportunity to meet Costas Kassapis who is a United States citizen from Michigan. I have met with him personally and been personally, deeply, and profoundly affected and hurt by the experience that he and his wife, their family, have gone through with the very tragic circumstances of his 17-year-old son, Andrew, being taken away from him by Turkish troops with his own American passport in his hands 20 years ago this year in Cyprus. Mr. Kassapis is still looking for his son. That has never been re-

solved. And yet for reasons that to my thinking and that of feeling people is incomprehensible both the Turkish Cypriots, as well as the Turkish Government itself in Ankara, has been completely unwilling to cooperate with the United Nations, or representatives of the United States, or representatives of either the Greek Cypriot Government or Greece in trying to help resolve the pain and suffering of this family. In circumstances that are completely alien to any Western notions of human rights and the way that people ought to treat each other, Mr. Speaker, I am rising tonight in support of this special order.

□ 2050

It is truly an issue which is of tremendous importance to Greek-Americans all over this country, and it is an issue that I was reminded about again this weekend at one of those wonderful ethnic festivals that take place on Cleveland's west side, this one at the Greek Orthodox Church in West Lake, OH. People are deeply and profoundly concerned about this.

I have been a member of the Congressional Human Rights Caucus as well as the congressional committee which has been organized to investigate this and to try to keep the pressure on the Turkish Government.

It seems to me that our own involvement in foreign aid to Turkey ought to be premised upon a very vigorous and forthright and genuine and sincere effort on the part of the Turkish Government to cooperate and aid in giving information about these missing people.

Finally, I would like to say it is tremendously disappointing that President Denktash of the Turkish-Cypriot Government has completely waffled on his commitments to go forward with any kind of detente that would bring long-lasting peace without the necessity of either U.N. Peacekeeping Forces or certainly without the necessity of having essentially a police state with 35,000 Turkish soldiers on that tiny little island, which is only occupied 20 percent by Turkish Cypriots, 80 percent by Greek Cypriots. It certainly gives the lie to any sincerity on the part of the Turkish factions when on the threshold of real peacekeeping and peace forming motivations and initiatives, then at that point, Mr. Denktash would back off and say, "Oh, no, there are other considerations, and we must go further, and we are not going to pursue this at this time."

It seems to me that certainly gives the lie to the sincerity of any effort to make real peacekeeping efforts.

So I applaud and salute the gentleman from Florida in his efforts. I am really very delighted and honored to be a part of this. I certainly will, for my part, continue to do what I can in the United States Congress to keep pressure on Turkey to bring about some peace.

Mr. BILIRAKIS. I thank the gentleman from the Cleveland area of Ohio. Having seen him in action in this short period of time in this Congress, the gentleman being a freshman, I honestly feel that he believes he will do what he says. He will do his part.

And, MARTIN, you have mentioned foreign aid to Turkey. I oftentimes wonder how that foreign aid, American tax dollars, was actually used as a part of the invasion and is now being used in order to bring settlers over to continue to occupy that land. I just appreciate your interest there, and certainly welcome it. Hopefully, we can all continue to express our outrage and the outrage of the American people.

You talked about the people at the Greek Orthodox Church in that area of Ohio. Honestly, I guess we have not done a good enough job. If the American people were aware of what is taking place here, and of the missing and the five Americans that are missing there, and our Government doesn't seem to pay any attention at all to, they would be more outraged and possibly more involved in terms of contacting us and demanding that we do something about it.

Mr. HOKE. The gentleman is completely correct. What really begins to be very disturbing about the foreign aid situation is that one starts to take a very cynical and jaundiced view of the motivations behind these kinds of aid programs. The fact is that perhaps—perhaps—at one point there was justification for the kind of aid program that we have going to Turkey. I am thinking specifically with respect to the cold war era when we certainly needed to send a strong signal that America's strength was not going to be undermined by Russian bases in that part of the world.

Well, that has ended. That is over. And why we need to pander or create this situation of foreign aid and go in that direction, when clearly the strategic importance of Turkey is not what it was, is beyond me.

I do not know why we should overlook the clear human rights violations that are going on, that are not in our interests at all. They are not in the interests of the United States.

Mr. BILIRAKIS. Those questions are asked of you and asked of me and asked of many Members of this Congress. Unfortunately, they are not getting us outraged enough to sit down and once and for all do something about it. Thank you, MARTIN. I appreciate your contribution.

Mr. Speaker, in July 1974, Turkish forces occupied what is the northern part of Cyprus. As a result of this illegal military invasion, 1,619 people have never been seen again. Mr. Speaker, I would stress that among those 1,619 individuals are five U.S. citizens.

Also, 200,000 men, women, and children were forcibly expelled from occu-

pied Cyprus. They are now refugees—a people without a home. These refugees have been living in a 20-year darkness.

Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on Earth. Turkey continues to station more than 30,000 troops there and to maintain some 65,000 settlers on Cyprus. Frequent incidents and disputes scar the populace.

Cyprus currently has 37 percent of its land under the occupation of an invading force, and Turkey continues to change the demography of Cyprus by transplanting Turkish settlers there. In the near future, the settlers and the occupying troops will outnumber the indigenous Turkish Cypriot population—and with each passing day the tension on the island grows.

In the past few years, there have been talks held under the auspices of the United Nations—as proposed by the U.N. Secretary General. However, these talks are now at a complete standstill because of the unwillingness of Mr. Denktash, the leader of the Turkish-Cypriots, to negotiate with the Greek-Cypriots.

It is surely in Turkey's best interest to resolve this problem expeditiously. In fact, Turkey's intransigence is one more stumbling block keeping her from becoming an accepted part of the European Community. While Turkey has other problems to solve in this regard, the European Community has made it clear that membership is contingent upon resolution of the Cyprus problem.

Mr. Speaker, the Greek-Cypriots have made efforts to find a just and lasting solution to this 20-year problem. In December 1993, the Cyprus Government submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of the island-nation. In exchange for the withdrawal of Turkish troops, Cyprus would disband its national guard; transfer the national guard's military equipment to the U.N. peacekeeping force; fund an enlarging of that U.N. force; and use the money saved from defense spending for development projects that would benefit both communities.

Furthermore, demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. However, once again, the Turkish side rejected Cyprus' efforts toward ending the tragic and unacceptable status quo.

It is evident, Mr. Speaker, that a solution to the 20-year problem on Cyprus will not be found until the Turkish side agrees to come to the table and negotiate.

Recently, Secretary General Boutros Boutros-Ghali, submitted his report to the Security Council on the status of the U.N. efforts for the implementation

of a package of confidence-building measures, intended as the first step to facilitate the political process and secure a Cyprus settlement.

The Secretary General concluded in his report that "for the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side."

The Secretary General went on further to say that the confidence-building measures represent "A set of eminently reasonable and fair proposals that would bring tangible benefits" to the Turkish Cypriot community.

Mr. Speaker, as I have already noted, the Greek-Cypriots have proven time and time again that they are more than willing to negotiate with the Turkish side, however, Turkey and Mr. Denktash—who represents the aggressor in this matter—is unwilling to do so.

In the July 14 issue of Roll Call, Turkey and Mr. Denktash once again showed us their unwillingness to negotiate on the Cyprus problem with their advertisement titled, "remember who invaded Cyprus 20 years ago." This advertisement is a clever tool used to mask the truth on who the real aggressor is in this illegal occupation.

Turkey, in its Roll Call ad, attempts to convince the reader that Greece and Greek-Cypriots are the real culprits. However, Turkey makes no mention that for the past 20 years there have been more than 30,000 Turkish troops in Cyprus and more than 65,000 Turkish settlers.

The advertisement also fails to point out the cultural destruction that has been taking place on the island of Cyprus due to the illegal Turkish occupation. Cyprus has seen a rape of its culture; a pillaging of its antiquities.

Churches have been plundered and ransacked. Beautiful frescos have been stripped off the walls of these religious institutions. Other churches have been converted into Mosques and still more have been turned into Cinemas and recreational centers. What Cypriots have witnessed over the past two decades in the intentional destruction of their cultural heritage. The Roll Call advertisement, however, makes no mention of that fact.

Mr. Speaker, let's stop playing diplomatic games with Turkey. Let us for once stop Turkey from waltzing away from the truth—as they are again attempting to do with this ridiculous advertisement in Roll Call.

This year, one House committee refused to dance with Turkey. The House Appropriations Subcommittee on Foreign Operations included in the fiscal year 1995 foreign aid appropriations bill a withholding of 25 percent of security assistance to Turkey until the Secretary of State submits to Congress a report addressing, among other things,



the allegations of abuses against civilians by the Turkish Armed Forces and the situation in Cyprus.

Turkey's answer? I have read reports that the current Prime Minister of Turkey has threatened that she will not accept any United States assistance in foreign aid until this language that the appropriations committee has included in its bill is taken out of the bill.

Mr. Speaker, In times of fiscal restraint, where citizens of the United States are calling for less foreign aid spending, I think that we should take the Prime Minister of Turkey at her word.

Maybe now, Turkey will realize that the United States wants a just and peaceful solution to the Cyprus problem.

Finally, in closing, Mr. Speaker, I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

Mr. PORTER. Mr. Speaker, I come to the floor today as I have many times before to commemorate the sad anniversary of the tragic separation of Cyprus by Turkish troops. Tomorrow marks the 20th year of the separation.

On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and heavy fighting took place between them and the Cypriot National Guard. Turkish troops pressed on to the capital city of Nicosia, where they engaged in heavy street fighting with Cypriot National Guardsmen and Cypriot irregulars. Through the battles, the Turkish air force bombed and strafed Greek-Cypriot positions and attacked Nicosia airport. By the time a cease fire had been arranged on August 16, Turkish forces had taken the northern third of the country.

Throughout the battles and subsequent occupation, tales of atrocities, abductions, rapes and executions were heard. It was only as those thought to be abducted or taken prisoner of war begun to filter back to their homes after the cease fire that it became apparent that hundreds were not accounted for and missing.

In May 1992, the Congressional Human Rights Caucus held a hearing on this issue of the missing. We heard wrenching testimony of violations and subsequent coverups by the Turks. The coverup continues.

Twenty years later, 1,619 are missing. Twenty-six of these were below the age of 16 when they were taken, 112 are women, and five are American citizens, including Andreas Kassapis, whose father, Kostas, lives outside Detroit today. There are no doubts that the Turkish army abducted the five missing Americans, including Andreas, or

that the Turkish Government is responsible for accounting for them.

Unfortunately, today Turkish troops on the island of Cyprus maintain the code of silence about their fates.

This morning, the Foreign Affairs Committee marked up a bill introduced by Representative ELIOT ENGEL and myself calling on the President to work with the United Nations to resolve the issue of the missing. I am hopeful that this legislation will lead to a breakthrough on this issue, and I ask the State Department to renew their efforts.

I am also heartened by language included in the House version of the Foreign Operations bill that conditions 25 percent of Turkey's military assistance on the State Department releasing a report regarding Turkey's actions regarding Cyprus and the treatment of its Kurds. I believe 100 percent of Turkey's assistance should be conditioned on these issues. Turkey is quite clearly the key to resolution of the Cyprus problem. They have 35,000 troops on the island, subsidize the economy of the north, and have sent tens of thousands of Turks to live in the north of Cyprus over the last two decades. When Ankara talks, north leader Rauf Denktaş listens.

Unfortunately, Turkey refuses to be helpful and yet another round of U.N.-sponsored talks has recently failed because Mr. Denktaş refused to accept a package of very limited U.N.-authored confidence-building measures. Turkey's intransigence is proven by Turkish Prime Minister Tansu Ciller's announcement that Turkey is inclined to reject any United States assistance that has human rights or other conditions placed on it. Turkey is setting conditions under which they will be willing to accept our money. It is quite clear that Turkey does not share our commitment to international norms of behavior. With tight foreign assistance budgets, we simply do not have funds for nations who do not share our values.

I believe one important proposal that deserves consideration is the suggestion by Cypriot President Clerides that Cyprus be demilitarized. He has offered to completely disband the Cypriot army if Turkish forces withdraw from the island. U.N. peacekeepers, fully funded by the money saved from the Cypriot demilitarization, would continue to monitor the situation. Since neither party would be armed, the risk of confrontation would be low.

To me, President Clerides' proposal is an important and timely confidence building measure that should be pursued immediately by the Turkish Government, the leadership in the north, and the United Nations.

Mr. Speaker, the division of Cyprus simply has gone on too long. My wife, Kathryn, and I first traveled to Cyprus in 1981 and have returned a number

times. It is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a beautiful legacy of art and architecture.

Unfortunately, as you walk down the winding streets of Nicosia or drive through the Cypriot countryside, you are constantly reminded of the thousands of Turkish troops that loom just beyond the horizon, beyond the U.N.-peacekeeping troops, beyond the Green Line that slices Cyprus in two.

I urge the representatives of the two communities on Cyprus to come together for the sake of their people and the future of their country and reach a compromise. A generation has grown up on Cyprus not knowing peace and unity. I am concerned that the bond of shared experience between the two communities forged as a consequence of their living together for centuries will dissolve if they are not reunified soon.

Mr. ENGEL. Mr. Speaker, tomorrow marks the 20th anniversary of Turkey's military invasion of Cyprus. On this date of sadness, we must ask ourselves: How much longer will this illegal occupation continue?

In the invasion, Turkey captured almost 40 percent of Cyprus, representing 70 percent of the economic wealth of the country. More than 200,000 Cypriots were forcibly driven from their homes, widely dispersing the population. In an effort to stamp out the prevailing Hellenic and Christian culture, Turkey subsequently sent more than 85,000 Turkish colonists to occupied areas, changing the demography of the region.

In the aftermath of the assault, more than 2,000 people were arrested or disappeared as Turkish military forces consolidated their hold on Cyprus. Among them were five American citizens. Although 20 years have passed, we still have no knowledge of the fate of Christos Libertos, Kyriacos Leontiou, Socrates Kapsouris, Jack Sofocleus, or Andrew Kassapis.

Today, the family of Andrew Kassapis still looks for their son. Andrew, now 37 years of age, was taken captive by members of the armed forces of Turkey—a major recipient of United States aid—while holding his United States passport.

The time has come to shed light on this tragic aspect of the Cyprus conflict. Last year, I and Representative JOHN PORTER, introduced legislation to obtain for the suffering families the answers for which they have longed. By directing the President to investigate the whereabouts of the missing Americans and approximately 2,000 others, it is my hope that this sad part of Cyprus' history can be brought to a close.

I am pleased to announce that earlier today, the Foreign Affairs Committee marked up this legislation and reported it favorably to the full House

for consideration. With almost 190 cosponsors, including more than half of the Foreign Affairs Committee, I believe that the Congress will overwhelmingly pass this bill and send it to the President for his signature. It is my hope that on the 20th anniversary of the invasion, Congress can take this small, but important step toward ending the pain endured by families of the missing.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

Ms. SNOWE. Mr. Speaker, today we mark 20 years of illegal Turkish occupation in northern Cyprus.

Turkey's brutal invasion 20 years ago drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing, including five American citizens. The Turkish army seized 40 percent of the land of Cyprus, representing 70 percent of the island's economic wealth. Barbed wire stretches across the country like an ugly scar, and armed check points dot the Green Line.

This is not an anniversary that anyone should look forward to marking. I was first elected to Congress in 1978, 4 years after the Turkish invasion. That was also the year that President Carter succeeded in getting the United States arms embargo on Turkey lifted on the promise of an imminent breakthrough on ending the tragic division of the island. But the Turks never had any intention of fulfilling that promise.

Every year that I have been in Congress I have noted a cynical, fraudulent pattern of behavior by the Turkish Government and by the leader of the self-proclaimed Turkish Republic of northern Cyprus. Each year, there are hints of movement and glimmering hopes of ending the Turkish occupation and reuniting Cyprus. The most recent opportunity was the U.N.-sponsored talks over confidence building measures that predictably collapsed just weeks ago because of continued Turkish intransigence.

Prior to the confidence building measures effort, the history of failed negotiations due to Turkish intransigence include: the 1977 Makarios-Denktaş Meeting; the 1979 Kyprianou-Denktaş Communiqué; the 1984 Proximity Talks; the 1985-86 U.N. Draft Framework Exercise; the 1988 Talks, First Round; the 1988-89 Talks, Second Round; the 1989 Talks, Third Round; the 1990 February-to-March Meetings; and the 1990-to-1992 Secretary General Good Offices Mission.

Each year, the hopes of the Cypriot people are dashed on two bedrock facts. These are, one, the basic preference of Mr. Denktaş, the leader of the Turkish-Cypriot community, for the status quo. By now, it should be clear that he prefers a divided island, even though his illegal rump country is not recognized by the

international community and is, in reality, controlled by Turkey. The second bedrock fact is that the 40,000 Turkish occupation troops in northern Cyprus are there only to enforce the illegal status quo.

I realize that after 20 years there are some who might wish to put this issue aside, and say that perhaps nothing can be done. But I challenge anyone who might be tempted to accept the status quo whether out of frustration or weakness. Accepting the status quo would not only be morally wrong, but it simply is not an option.

In the 20 years since the Turks cruelly invaded their weak neighboring country, the world has changed dramatically. In that time: the Berlin Wall has fallen and Germany has reunited; the nations of Eastern Europe have won their freedom from occupation by a neighboring superpower; the Soviet Union has disintegrated; South Africa has peacefully changed into a multiracial democracy; Iraq invaded and occupied its weak neighbor, Kuwait, but was then forcibly expelled by the United States and the international community; and finally Israel has taken a historic risk for peace with its Arab neighbors and the PLO claims to have renounced violence.

The status quo on Cyprus has always been unacceptable. But the dramatic changes in the world now call for putting words into deeds. For so many years, the apologists for Turkey have argued that our hands were tied because of the need to support Turkey as a bulwark against the expansion of the Soviet Union into the eastern Mediterranean. But that argument and the Soviet threat have both evaporated.

The United States and the United Nations must unequivocally declare that the time is over for endless bad faith negotiations and intransigence on the part of the Turkish side. The time has arrived for concrete steps.

Turkey must also be made to realize that it shares much of the blame for the repeated failures at the negotiating table. The government in Ankara must be held accountable for its influence over Mr. Denktaş and the Turkish Cypriots. Their continued intransigence has not just been sanctioned but encouraged by Turkey. The United States must pressure the Turkish Government to make it understand that it is in their best interests to negotiate a peaceful end to its illegal occupation of northern Cyprus.

Three months ago, President Clerides of Cyprus made an astounding proposal that would transform the political environment. He proposed that both the government of Cyprus and the Turkish occupation forces disband their military forces. He called on the creation of a new U.N. peacekeeping operations that would take over the military assets of each side. He further offered to pay the costs of the U.N. operation from the resulting budget savings. This would shatter the stalemate and finally establish an environment in which the country can be peacefully reunited.

It would be preferable for this proposal to be implemented by agreement between the parties. But we must also keep in mind the facts that the Turks like occupying their weaker neighbor and Mr. Denktaş likes pretending to rule a pretend nation. If the United Nations Security Council is willing to show resolve in the Middle East and in Haiti, it is time for us

to also lead the Council to take action in the eastern Mediterranean.

We have recognized that the world has changed, we must do what is necessary to ensure that the Turkish occupiers of northern Cyprus recognize it as well.

Mr. BONIOR. Mr. Speaker, I join my colleagues to commemorate a sad and frustrating anniversary. Twenty years ago, Turkish troops invaded and occupied the island of Cyprus. Today, Cyprus remains divided with 35,000 Turkish troops occupying over one-third of the land. A barbed wire fence, known as the Green Line, cuts across the island separating thousands of Greek Cypriots from the towns and communities that their families lived in for generations.

Thousands of people were killed as a result of the invasion. Another 1,619 remain missing—including 5 Americans. One of the missing, Andrew Kassapis of Michigan, was taken captive even though he had an American passport. His father, Costas, has been struggling all these years to find out the fate of his son. The family and friends of those missing deserve to know the truth about their loved ones.

Over the past few years, we have witnessed tremendous changes around the world, the fall of the Berlin Wall, reconciliation in the Middle East, and the end of apartheid. Yet, somehow peace has eluded this beautiful island. Peace and unity can be achieved in Cyprus if there is enough political will to do so.

Over the past 2 years, the United Nations has formulated a series of confidence-building measures to benefit both sides in Cyprus. However, U.N. Secretary Boutros-Ghali has asserted that the lack of agreement was due essentially to a lack of political will on the Turkish Cypriot side. It is time for the Turkish Cypriots to take these first steps toward peace and reconciliation.

As a major recipient of United States foreign assistance, Turkey should be held accountable for the continued occupation of Cyprus and its human rights record. The Turkish Government must know that the division of Cyprus will continue to be an obstacle to better relations with the United States. It is my deep hope that soon we will be able to add Cyprus to a list of places where peace and freedom have triumphed.

Mr. MARTINEZ. Mr. Speaker, I would first like to commend Representative BILBRAY for organizing this special order on Cyprus. The gentleman from Florida has been a tireless champion for the peaceful resolution of the Cypriot problem.

Mr. Speaker, I solemnly join my colleagues tonight in observing the 20th anniversary of Turkey's invasion and occupation of northern Cyprus. On July 20, 1974, Turkey invaded Cyprus and has occupied one-third of the country ever since. Turkey still maintains nearly 30,000 troops on this Mediterranean island today.

It's been 20 years since five Americans and 1,619 Greek Cypriots disappeared in the wake of Turkey's invasion of Cyprus. It's been 20 years since Mr. Costas Kassapis and his wife last saw their 17-year-old son Andrew, who was taken into custody before their eyes, with American passport in hand, by Turkish soldiers. It's been 20 years of unbearable anguish for American and Greek-Cypriot families



whose cries of help for their missing relatives have only been greeted by a wall of silence from Turkish officials.

Next week, Members of the House will have the opportunity to take a stand on this important matter. Representative ENGEL's legislation, H.R. 2826, which addresses this issue, is expected to be considered on the House floor next week. This measure deserves the resounding and unequivocal support of the House. H.R. 2826 directs the President to investigate and report to the Congress on the whereabouts of U.S. citizens and others who have been missing from Cyprus since 1974. Turkey must be held accountable for these missing people.

In an effort to encourage gradual steps toward reconciliation between Greek and Turkish Cypriots, the U.N. has proposed placing part of the uninhabited, Turkish-occupied town of Varosha under U.N. control. The United Nations has also proposed reopening the abandoned Nicosia International Airport which would be made available to both communal groups. The United Nations mediating approach is a serious effort to break the political stalemate which has, thus far, proven intractable.

I would like to see the United States use its considerable influence toward promoting a peaceful settlement of the Cyprus problem. For far too long the people of this island nation have harvested the bitter fruit of communal strife and ethnic suspicion. After 20 years of partition and acrimony, it is high time for all Cypriots, ethnic Greeks and ethnic Turks alike, to begin the process of reconciliation. The United States can and must play a more active role in helping the Cypriot people broach the political and territorial divide that has torn this island apart.

Mr. ZIMMER. Mr. Speaker, I want to thank my colleagues for arranging this special order on the Cyprus problem, and I join them in calling for a peaceful and decisive end to the illegal occupation of nearly 40 percent of Cyprus by Turkey.

That occupation has been going on for 20 years, since Turkey invaded Cyprus in July 1974. And for 20 years, Turkey has ignored or rejected virtually all calls to end that occupation and to resolve the problems it has created.

One result of that indifference was underscored in a hearing before the House Foreign Affairs Committee today during discussion of a probe into the whereabouts of five Americans caught up in the Cyprus invasion and still missing.

There were also 1,614 Greek Cypriots who were abducted by Turkish troops in that 1974 invasion and who remain missing. And nearly 200,000 Greek Cypriots were turned into refugees as a result of what many view as an act of ethnic cleansing by Turkey.

Today, some 35,000 Turkish troops continue to occupy a significant portion of Cyprus, as do more than 80,000 former residents of Turkey who were resettled in Cyprus on land Turkey occupied after the invasion. Their presence has altered the cultural and political character of Cyprus.

Mr. Speaker, in 1978 Congress agreed to lift the partial arms embargo it had imposed on Turkey for treaty violations. It did so, however,

on the condition that Turkey would work toward a genuine resolution of the Cyprus problem.

But Turkey has not done so. Instead, it not only ignored that condition but flaunted its disregard for it by declaring in 1983 the independence of its occupied land on Cyprus, dubbing it the "Turkish Republic of Northern Cyprus."

Mr. Speaker, it is time to hold Turkey accountable for its 1978 promise and to put an end to the Cyprus problem.

I am supporting legislation offered by my honorable colleagues Mr. ANDREWS and Mr. PORTER—H.R. 3475—that would ban all United States foreign aid to Turkey until the Turkish Government complies with a number of conditions, among them withdrawing its military and colonial presence from Cyprus, accounting for missing Americans and Greek Cypriots, and adhering to international human rights standards.

I would urge the entire Congress to join this effort, so that Turkey will realize the consequence of 20 years of illegal occupation and disregard for territorial integrity.

Mrs. MORELLA. Mr. Speaker, I want to thank my friend from Florida, Mr. BILIRAKIS, for calling today's special order, and for his continuing dedication and leadership on the issue of Cyprus.

Tomorrow marks the 20th anniversary of the Turkish invasion of Cyprus. Since that day, the occupation has been accompanied by tragic violations of human rights. Thousands of Cypriots were made refugees in their own homeland, while hundreds of people, among them five United States citizens, remain missing and unaccounted for.

Since the invasion began, the occupying force has refused to cooperate with Cypriots in their efforts to restore peace to their country. Furthermore, the Turks have repeatedly rejected U.N. proposals to resolve the Cyprus problem, including demilitarization and confidence-building measures.

The infringement on the Cypriots' basic human rights is a senseless tragedy that could be alleviated if both sides would demonstrate a willingness to cooperate and reach a compromise on the issue. On this 20th anniversary of the invasion, it is appropriate that Congress consider what more can be done to help bring the Cyprus problem to a speedier, peaceful resolution. In doing so, we can bring an end to the human rights violations there and also contribute to the peace process in the eastern Mediterranean region.

Mr. HUGHES. Mr. Speaker, I rise today to express my deep concerns about the situation in Cyprus. This week marks the 20th year since Cyprus was divided and partitioned by an illegal Turkish occupation force which continues to occupy over one-third of the country.

Mr. Speaker, this occupation can not be accepted by the international community and it must not be accepted by the U.S. Congress.

Turkey has illegally occupied more than one-third of Cyprus for 20 years. During that same time the United States has provided over \$6 billion in aid to Turkey. It is time to make the message clear to Turkey that the United States will not sanction such a gross violation of international law.

I am a sponsor of H.R. 3475 which would withhold all aid to Turkey as long as the illegal

occupation of Cyprus continues. Mr. Speaker, I urge my colleagues to support this measure and H.R. 2826 which calls upon the administration to seek an investigation into the disappearance of the 5 United States citizens and more than 1,600 Greek Cypriots who remain unaccounted for since the 1974 invasion. The Government of Turkey which has been the beneficiary of such substantial aid from the United States must provide its full cooperation.

It is time to end the partition of Cyprus, time to unite this country and its people under one government that respects and protects the rights of all its citizens.

Mr. KENNEDY. Mr. Speaker, I want to thank Mr. BILIRAKIS for organizing this special order and for his determination to focus the attention of the Congress and the American people on the tragic occupation of northern Cyprus.

Tomorrow morning, Greek Cypriots will awaken to the wail of air raid sirens and the tolling of church bells as they mark the 20th anniversary of the Turkish military invasion that divided the island.

Twenty years later, 30,000 Turkish troops control nearly 40 percent of the island. The Greek and Turkish communities have been almost entirely segregated. Tens of thousands of settlers from Turkey have been brought to the north. More than 1,000 people, including 5 United States citizens, remain unaccounted for since the time of the Turkish invasion.

Mr. Speaker, after two decades of suffering, it is long past time for us to say "Enough." The Turkish occupation government is not recognized as legitimate anywhere but in Ankara. Since 1974, U.N. resolutions have been consistent in condemning the division of Cyprus and urging withdrawal of all foreign forces.

Over the past year, the United Nations has intensified diplomatic efforts to end the crisis—pressing for implementation of confidence-building measures that might lay the basis for negotiations on a permanent settlement. This intensified diplomacy has the active support of the Clinton administration and should have the strong support of Congress as well.

Ultimately, if this suffering is to be brought to an end, the United States must bring firm and consistent pressure on the Government of Turkey to end the occupation. Turkey continues to receive hundreds of millions of dollars in United States economic and military assistance and loans. Because they have served as an important United States ally, many are hesitant to raise the difficult issue of Cyprus. I continue to believe that this reticence is a terrible mistake.

Like Mr. PORTER who spoke earlier this evening, I want to draw particular attention to the proposal that President Clerides made at the end of 1993 for the demilitarization of Cyprus. Cyprus—in exchange for the withdrawal of Turkish troops—would disband its National Guard and transfer their equipment to the U.N. Peacekeeping Force. Funds saved from defense spending would be used to support the U.N. force and to carry out development projects benefitting both Greek and Turkish communities.

This is the type of forward-looking and courageous proposal that will be needed to bridge the bitter divisions in Cyprus and create a framework for peace that offers security and respect for both communities. This proposal merits the strong support of the United States.

Mr. Speaker, I welcome this opportunity to say again to the people of Cyprus that we stand with them in their 20-year struggle against occupation and injustice. I hope and pray that a year from now we'll be talking about how to walk with them into a new era of liberty and reconciliation.

Mr. PALLONE. Mr. Speaker, once again, as we do every year at this time, we are here to commemorate a very sad historic occasion. It has been 20 years since Turkish troops first invaded the northern part of the Mediterranean island nation of Cyprus, leaving a trail of death, destruction and hundreds of thousands of refugees. In the two decades since this shocking breach of international law, Turkey has maintained and solidified its occupation of more than one-third of the territory of Cyprus with an estimated 35,000 troops. Turkey has continued this illegal occupation in complete defiance of the international community, spurning U.N. resolutions and the entreaties of NATO countries, both here and in Europe, seeking a Turkish withdrawal.

Indeed, far from bowing to the international pressure, Turkey has gone in the other direction, having declared in 1983 the so-called "Turkish Republic of Northern Cyprus," recognized by no other country but Turkey. Recently, Turkey has increased the size of its occupation forces by adding 8,000 additional troops and new tanks and armored vehicles. A May 30, 1994, report by U.N. Secretary General Boutros Boutros-Ghali has termed Cyprus one of the world's most highly militarized areas in terms of the ratio between the numbers of troops and the civilian population.

Perhaps the saddest aspect of this military occupation has been the growing mistrust and hostility between the Greek and Turkish communities on the island, who had lived in harmony for so many years as fellow Cypriots but who now are separated into what are in effect warring camps. We commemorate this human tragedy with the pins attached to a piece of barbed wire that many supporters of a free and peaceful Cyprus will wear at events tomorrow commemorating this tragic anniversary.

In addition to the barbed wire pins, many people tomorrow will be wearing yellow ribbons to express their solidarity and sympathy for the 1,614 Greek Cypriots who have been missing in Cyprus since the invasion. Among the missing are five United States citizens whose "disappearances" in Turkish-held areas have never been accounted for and whose fate and whereabouts are still unknown. These people were arrested by Turkish forces. Some were transported to Turkey and kept as prisoners in Turkish jails. Since 1974, Turkey—contrary to international law and human rights conventions—refuses to provide any information about their fate. The Turkish Government, notwithstanding the recent change in leadership, has not changed the policy of denying that there are any Greek Cypriots being held and still professes no knowledge about the whereabouts of the missing.

Mr. Speaker, there is a great deal of evidence that casts doubt on the truthfulness of the Turkish denials. The International Red Cross and Amnesty International have compiled lists of the "missing" persons compiled during visits to Turkish detention centers. In

fact, some of the evidence about "missing" persons being in Turkish custody comes from the Turkish news media.

Mr. Speaker, we can be proud that this Congress has supported foreign assistance to Cyprus to encourage an alleviation of tensions. Every year, we allocate \$15 million in aid to Cyprus for projects aimed at improving health, education, and the environment—for the benefit of both Cypriot communities.

The legitimate government of Cyprus has also done a great deal to promote reconciliation between the two communities. President Clerides has proposed to the United Nations a program for the demilitarization of the island, to be monitored by a U.N. Peacekeeping Force. So far, his bold and courageous proposal has not been met by any constructive response from the Turkish side.

I will continue, along with many of my colleagues here today, to insist that, in exchange for the aid and military cooperation that we provide to Turkey, the Turkish Government move from a stance of recalcitrance and belligerence to a spirit of cooperation and confidence building with regard to Cyprus. It is my hope that we will not have to go on commemorating this anniversary year after year. It is my hope that Cyprus will be returned to the Cypriot people, and that this beautiful and historic land will once again be a place of peace.

Mrs. BENTLEY. Mr. Speaker, on the eve of the 20th anniversary of the Turkish invasion of Cyprus, I want to pay a special compliment to my good friend from Florida [Mr. BILIRAKIS] for arranging this important special order. I also want to thank him for his tireless efforts to forge a peaceful solution for Cyprus—which remains tragically divided after nearly two decades.

Tonight, I want to draw specific attention to the approximately 1,600 individuals who remain unaccounted for 20 years after the Turkish onslaught. Five American citizens who were on Cyprus at the time of the bloody fighting in 1974, are listed among the missing. As long as Cyprus remains divided, with Turkey illegally occupying almost 40 percent of its territory, this Congress must not forget its responsibility to demand answers about the whereabouts of these missing Americans. I urge my colleagues to supporting legislation marked up in the House Foreign Affairs Committee today that would establish a Presidential Commission to review the issue.

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BILIRAKIS], for putting together this special order on Cyprus.

We gather today to commemorate the unhappy anniversary and tragic circumstance of 20 years of division of the island of Cyprus. It may seem incredible, but for 20 years now the Republic of Cyprus has been artificially divided following an invasion by Turkish troops on July 20, 1974.

A full 37 percent of the island remains under occupation by Turkish troops, which in defiance of United Nations resolutions, now number 35,000. This makes Cyprus one of the most militarized areas in the world.

The international community has yet to recognize the so-called Turkish Republic of Northern Cyprus, which was established in 1983. As if to underscore this illegitimacy, the

European Union just under 2 weeks ago imposed a ban on exports from Turkish-occupied Cyprus.

The world must know that in the small Mediterranean island of Cyprus there are people filled with hope and expectation that ultimately their divided homeland will one day be united.

As an American of Cuban descent, I understand very well when Cypriots say that 20 years is enough. Tomorrow that 20-year mark of division and occupation will be here will have crept upon us. In Cuba, it has been 35-five years. Like the people of the island nation of Cyprus, the people of the island nation of Cuba were robbed of their independence and of their sovereignty. The people of both nations suffer the pain of division and the painful indifference of the international community to their plight of injustice and indignity.

As I have studied this issue, it has become clear to me that the Turkish Cypriots continue to lack the political will to reach a conclusion that would result in a free and united Cyprus that is safe for all Cypriots—Greek or Turkish. At this point, unfortunately, negotiations have reached an impasse.

In 1991, then-U.N. Secretary General Javier Perez de Cuellar, stated that progress in solving the conflict in Cyprus was imminent if [quote] "all concerned . . . would seize the moment."

The Turkish Cypriots have yet to seize that moment. We are still waiting on the Turkish Cypriot leader, Mr. Rauf Denktaş, to show a willingness to compromise. Until now he has been a reluctant negotiator. Very recently his increased demands have caused negotiations to stall.

On the other hand, the Greek Cypriots have already abided by U.N. documents. In my view, neither the U.N. nor the U.S. Government should ask the Greek Cypriots to make extra concessions that will only serve to weaken their position and hurt the peace process.

Mr. Perez de Cuellar's successor as U.N. Secretary General, Boutros-Boutros Ghali, in November 1992, diplomatically cited Mr. Denktaş's unwillingness to compromise. He said, [quote]: "Certain Turkish positions were fundamentally at variance with the U.N. set of ideas." Even President Bush called then-Turkish Prime Minister Demirel to complain about Mr. Denktaş. Since then, Secretary-General Boutros-Ghali has complained about Mr. Denktaş's failure to adhere to agreements in this matter.

As I have stated, the confidence-building process is stalled. A U.N. document had clearly established that the two measures that were to be taken in this process were the opening of the Nicosia International Airport and the placement of Varosha under U.N. control.

Agreement was near. But at the 11th hour the Turkish Cypriots changed their position, and now we are once again faced with more delays. It is revealing that this latest delay is over a road—the road between the U.N. buffer zone and the Turkish-controlled area of Varosha. The Turkish Cypriots would want to control that road with either their own police or with Turkish troops. That is not what I would call U.N. control. It is these positions and these delays which are the biggest obstacles on the road to peace and a united Cyprus.

The shorter term prospects for a solution are clearly at a standstill. For the longer term,



the basic elements for a solution to this problem should be established. While the devil is always in the details, two simple principles should stand out.

First, while paying respect to both communities, it must be recognized, as it is throughout the world, that Cyprus is one nation and should remain one.

Second, any solution must include the withdrawal of all Turkish troops from the nation of Cyprus. I do not think that is just an end worth pursuing, but a condition worth requiring. Until the last boot of the last Turkish soldier leaves Cyprus, there won't be peace and there won't be justice in Cyprus.

Finally, we must account for the 1,614 Greek Cypriots and the five American citizens missing since the Turkish invasion of Cyprus in 1974. We cannot forget them. We cannot forget their families. This is why I have joined as a cosponsor to H.R. 2826, a bill which asks the President to investigate the whereabouts of United States citizens and others who have been missing from Cyprus since 1974. Today, I was happy to join the full House Foreign Affairs Committee in passing this bill, thereby making it possible that the measure will be voted on here on the House floor.

Mr. Speaker, a few months ago, I received a letter from the Kassapis family of Livonia, MI. The letter was signed by Costas Kassapis, the father of Andy Kassapis, one of the five Americans who disappeared in Cyprus in 1974. The Kassapis family has lived in anguish since August 20, 1974, when their son, Andy, was dragged away by Turkish troops right in front of his parents, in the village of Ashia. The last they heard of Andy was in a message from the Red Cross stating that Andy was in Amasia prison in Turkey. As Mr. Kassapis says in his letter, "Since then, nothing."

I want to read a quote from that letter. Mr. Kassapis states, and I quote: "I know that you understand the constant suffering that my wife, daughters, and I have experienced since that day, nearly 20 years ago, when our wonderful son, Andrew, was taken from our arms." I know that he appreciates our support for his cause, but I also know that no piece of paper can substitute for Andy.

Imagine your son or daughter being snatched before your eyes—and then, no more, never to be heard or seen—for over 20 years. Would you stand still?

Tomorrow will mark the 20th year of the division and occupation of Cyprus. Cypriots were born in Cyprus and have never returned have been denied that opportunity for too long. Twenty years is enough. Now is the time for them to be able to return in peace. Now is the time for a united Cyprus. I hope that never again will I have to cosponsor a bill to find disappeared Americans or Cypriots.

If we are to stand up for human rights—we must do so whether it is friend or foe. Is this resolution timely? Yes, it's very timely. Twenty years—two decades—is long enough.

Thank you very much.

Mr. OLIVER. Mr. Speaker, I rise today to join with my colleagues to deplore the division of Cyprus, and to send a message to the people of Cyprus that we remember them and we continue to seek a peaceful and equitable reunification of the island.

It is tragic that Cyprus remains divided and there is no agreement on even the most basic confidence building measures which have been proposed to ease tensions between the two communities.

I believe the proposal by President Clerides for a demilitarization of the island makes a great deal of sense. Eliminating the troops on Cyprus, and devoting the funds saved toward an expanded U.N. Peacekeeping Force and bicomunal development projects is a far-sighted and practical proposal which should greatly benefit all of the residents of Cyprus.

Mr. Speaker, the international community must continue to work to find a just and lasting solution to the problems of Cyprus, and I look forward to working with my colleagues to further that goal.

Mr. BARCA of Wisconsin. Mr. Speaker, I want to begin by commending my colleague from Florida, MIKE BILIRAKIS, for organizing this special order to commemorate the 20th year of occupation and division of the Republic of Cyprus.

Mr. Speaker, as the administration increases its calls to return the democratically elected government to Haiti we must not forget our commitment to such endeavors in other regions of the world. In July 1974 the Government of Turkey invaded the sovereign island of Cyprus. As a result over 30 percent of the country was occupied and 200,000 Greek Cypriots were forcibly expelled from their homes and remain refugees. More than 1,500 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

Since this occupation the government in Ankara has done little to answer our questions about these missing citizens or to resolve the military stalemate that exists today. In fact the Turkish Government disregarded international law by establishing the Turkish Republic of Northern Cyprus and guaranteeing its independence and territorial integrity. They have also transplanted more than 80,000 settlers from Turkey to strengthen their hold on this territory.

In December 1993, the Government of Cyprus attempted to resolve the problem by submitting a proposal to the United Nations calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, the Government of Cyprus would disband its National Guard and transfer its military equipment to a U.N. Peacekeeping Force. The Turkish response was to reject this proposal outright.

We must continue to support efforts to end this unlawful occupation and to discover the whereabouts of our missing citizens. A lasting peace can be achieved on the island of Cyprus and this body has an obligation to support such efforts by a strong message to Ankara that these issues must be resolved.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in this important special order marking the 20th anniversary of Turkey's invasion of Cyprus. At the outset, I want to thank my colleague Mr. BILIRAKIS for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1,619 people, including 8 Americans last seen alive in the occupied areas of Cy-

prus, have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish Government to provide answers to the families of the missing. We cannot forget their suffering continues.

Mr. Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Today, while I applaud the efforts of the United Nations to resolve the issue of the continuing division of Cyprus, I am very frustrated by Turkish leader Rauf Denktaş's stubborn resistance to meaningful negotiations. It's not just Greek Cypriots and their supporters who think Denktaş has been unreasonable.

In December 1993, in an effort to facilitate a peaceful resolution of the problem, President Clerides submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, Cyprus would disband its National Guard; transfer the National Guard's military equipment to the U.N. Peacekeeping Force; and the money saved from defense spending for development projects that would benefit both communities. Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. Once again the Turkish side rejected Cyprus' efforts toward ending the tragic unacceptable status quo.

The United States Government has always supported a just and lasting solution to the Cyprus problem. It is important for the Congress to continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and to work constructively for a resolution of the problem in accordance with the relevant U.N. resolutions and agreements between the two sides. A just and lasting solution to the problem will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, as well as constitute a significant step toward peace in the unstable eastern Mediterranean region.

Mr. Speaker, I want to take this opportunity to commend the Secretary General for his tireless efforts to resolve this issue. I also want to recognize the Greek Cypriot people for their valiant commitment to resolving this conflict, despite the seeming bad faith shown by the Turkish side. It is my hope that this will be the last year Members must join to discuss the longstanding problems of the people of Cyprus, that next year we may join to celebrate the end to this conflict. Until that happens, the Turkish Government must know we in the United States will continue to mark this anniversary and speak out for rights of the missing.

Mr. FILNER. Mr. Speaker and my colleagues, it has been 20 years since 35,000 Turkish troops invaded the island nation of Cyprus. Twenty years later, justice is still nonexistent for the victims of that invasion.

Despite persistent international pleas for a peaceful settlement—and despite condemnation from the administration, the Congress, and the international community—the situation in Cyprus has not improved since the invasion 20 years ago.

There are 5 U.S. citizens listed among the names of over 1,600 people who are still

missing as a result of the 1974 invasion. The Greek community in San Diego and throughout the world have waited long enough for information about the whereabouts of their families and friends.

The Cyprus Government has made serious concessions in its efforts to create a genuine federation that guarantees the rights of all citizens on that island. Unfortunately, we have not seen equal cooperation from the Turkish Government.

The time has come for a resolution to this 20-year-old crisis. The time has come for the Government of Turkey to finally respect the sovereignty and independence of the Republic of Cyprus.

Mr. CARDIN. Mr. Speaker, I rise today to join my colleague, Representative MICHAEL BILIRAKIS, in remembering the 20th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleague in this special order to express my hope that a peaceful solution can be found to end this sad and difficult situation.

The eastern Mediterranean island of Cyprus had been divided since the Turks invaded Cyprus in 1974. United Nations Peacekeeping Forces currently patrol a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

The status quo is unacceptable. The United Nations has continually attempted to facilitate talks between the two sides. Unfortunately, Turkish Cypriot Leader Rauf Denktaş rejected the latest confidence-building measures. U.N. Secretary General Boutros Boutros-Ghali attributed the failure to lack of political will on the Turkish Cypriot side. Cyprus President Glafcos Clerides still desires an international conference to discuss demilitarization and displacement.

The international community also recognizes the necessity for action. On June 16, 1994, the United States Senate's Appropriations Committee approved legislation providing economic aid to Cyprus due to the Turkish immobility in negotiations. On July 5, 1994, the Court of Justice of the European Communities ruled that import products from the occupied area were banned and that all products imported by the European Community member-states must have Cyprus Government certificates of export.

Most recently, during its annual meeting, held this year in Vienna, the Conference on Security and Cooperation in Europe [CSCE] discussed Turkey's occupation of Cyprus. Referring to the illegal presence of Turkish troops on Cypriot soil, the CSCE passed a resolution calling for the speedy withdrawal of any country's troops and military equipment stationed illegally on, or occupying territory of, another CSCE country. The world community must continue to press for a peaceful resolution to this international problem.

The people of Cyprus, both Turkish and Greek, deserve to be free from the hostilities which have plagued their island for the last two decades. The time has long passed for the Turkish occupation forces to be withdrawn. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

Mr. DEUTSCH. Mr. Speaker, today marks the 20th year of the Turkish invasion and sub-

sequent occupation of Cyprus. Under the pretext of serving as a protector of Cyprus' independence, Turkey invaded Cyprus on July 20, 1974. Sadly, the ensuing occupation has brought 20 years of hardship to the island's inhabitants.

The forced division of the island has generated feelings of mistrust and hostility amongst the two Cypriot communities, has undermined the independence and sovereignty of the government, and has severely hindered Cyprus' economy.

As a result of the invasion, 200,000 Greek Cypriots were forcibly expelled from their homes in the occupied area. These refugees fled to the unoccupied part of Cyprus where the Government of Cyprus was forced to absorb them into a system which was already economically bankrupt. Although Cyprus has undergone a substantial economic recovery since the invasion, the economy remains stifled by the division of the island. The Government of Cyprus has been forced into taking costly defensive measures and Greek Cypriots are unable to access many of the country's natural resources in the occupied areas. These resources account for about 70 percent of the general stocks of food, agricultural and industrial products.

The most significant impact of the invasion and occupation has been its effect on the people of Cyprus. The 200,000 Greek Cypriots expelled from their homes remain unable to return, and the families of the 1,619 missing persons still do not know the whereabouts of their abducted relatives.

In addition, the Turkish Cypriot community has also suffered. The economy in the occupied area is entirely dependent on Turkey, and those in the area suffer from a low standard of living. In fact, a quarter of the 120,000 Turkish Cypriots have emigrated because of the woeful conditions in the occupied region.

The case of Titina Loizidou, a Cypriot citizen, demonstrates the anguish that the Turkish invasion and occupation have wrought. In the wake of the Turkish invasion, Titina was uprooted from her home in the town of Kyrenia, now occupied by Turkish troops. She has not been allowed to return since. In March 1989, Turkish police arrested her along with other protesters when they marched across the buffer zone in Nicosia seeking to return to their property. She is presently seeking to bring suit against Turkey in the European Court of Human Rights because there has been a persistent violation of her rights to freedom, private life, home and assets, as laid down under the European Convention on Human Rights.

I believe that the United States has a moral obligation and duty to facilitate an end to the suffering of all Cypriots. I urge the Turks to redouble their efforts to reach an agreement that will end the Turkish occupation of Cyprus.

Mr. FAZIO. Mr. Speaker, tomorrow the Republic of Cyprus will mark the 20th year of its occupation and division. And this evening, I once again join my colleagues in a special order in recognition of this solemn anniversary.

Thirty-four years ago, the island of Cyprus gained its independence from Great Britain. However, for 20 years, the northern part of the island has been in the grip of foreign occupa-

tion—Turkish troops occupy 40 percent of this tiny nation.

When Turkish troops invaded Cyprus, 200,000 Greek Cypriots were driven from their homes, deprived of their possession, and reduced to refugee status in their own land. Since the invasion, the island has been marked with violence and bloodshed.

Over the years, the demographic and cultural character of Cyprus has been drastically affected by this occupation. Cyprus has come dangerously close to losing what little cultural, social, and historical identity it struggles to hold on to.

When the island was originally divided in 1974, Turkish troops also seized and removed over 1,600 men, women, and children. Five of these "Cyprus disappeared" were American citizens, and three were relatives of American citizens. To this day, their families have no idea whether or not they remain in danger. They do not know if they are sick or well, dead or alive.

The Turkish Government has yet to adequately account for any of those who disappeared at that time. Although it maintains that all of them are dead, it has produced no solid evidence of their status. In the meantime, however, families continue to suffer, as they draw their own conclusions about what has happened to their loved ones.

Mr. Speaker, I commend my colleague, Mr. BILIRAKIS of Florida, for again taking the lead on this issue and calling this special order, once more providing Congress with a vehicle for reaffirming our commitment—to a negotiated peace on Cyprus, to the reunification of this Mediterranean nation, to the end of the human rights abuses that are plaguing its people, and to the missing on Cyprus and their families.

Mr. SCHUMER. Mr. Speaker, I join my colleagues today in commemorating the 20th anniversary of the Turkish invasion of Cyprus. Twenty years ago today Turkish troops attacked the northern shore of Cyprus and fought on to the capital city of Nicosia. When the invasion ended, 4,000 Greek Cypriot troops were dead, 200,000 Greek Cypriots were made refugees in their own homeland, and 1,619 people were missing, including 5 Americans. The invasion was in direct violation of international law and was strongly condemned by the United Nations and the international community.

Despite 20 years of efforts to reunite Cyprus, the country remains divided. Two-hundred thousand Greek Cypriots are still unable to return to their homes and the fate of the 1,619 missing remains a mystery. The status quo on Cyprus is enforced by the presence of 35,000 Turkish troops. Despite U.N. efforts to persuade Turkey to withdraw its troops and respect the independence, sovereignty, and territorial integrity of the island, the situation on Cyprus remains stagnant.

The Government of Cyprus is committed to a negotiated settlement and is prepared to go to great lengths to protect the rights of the minority Turkish Cypriot population once the island is reunified. For example, in 1992, the Government of Cyprus accepted a U.N. proposed map of the island which would have allocated 28.2 percent of the island to the Turkish Cypriots, despite the fact that they constitute only 18 percent of the total population.



The area allotted to the Turkish side also included 50 percent of the coast of Cyprus, obviously an important asset on a Mediterranean island.

More recently, the Greek Cypriot Government agreed to the March 21, 1994 U.N. proposed set of confidence-building measures [CBM's], intended as a first step to facilitate the political process toward an overall Cyprus settlement. President Glafcos Clerides accepted the CBM's even though they were politically unpopular with the Greek Cypriot community. Mr. Rauf Denktash, the leader of the Turkish Cypriot community and head of the self-proclaimed Turkish Republic of Northern Cyprus—which is not recognized by any other country except for Turkey—rejected the proposal despite the fact that the U.N. Secretary General has described the CBM's as "a set of eminently reasonable and fair proposals that would bring substantial and tangible benefits to [the Turkish Cypriot] community without in any way compromising its security or its basic political positions."

The main impediment to a resolution of the Cyprus problem is that Turkey lacks the political will to settle the Cyprus dispute. Still, we must make every effort to overcome the lack of Turkish political will and strive to reach an agreement based on the relevant U.N. resolutions. A positive first step in this direction would be the demilitarization of the island. Demilitarization must be considered because as long as a Turkish Occupation Force exists in Cyprus, tensions are high and it will be increasingly difficult to find a viable solution. Thus, the communities will live as enemies. In December, 1993, President Clerides had submitted an innovative proposal for the demilitarization of Cyprus that if implemented, would ease the feelings of mistrust between the parties and facilitate an overall agreement to the problem.

I commend President Clerides for his bold initiative and hope that all of the people in Cyprus will soon be able to move freely about their country in peace. Twenty years of division and occupation without democracy, basic human rights, social justices, or rule of law is too long and can no longer be tolerated.

Mr. BORSKI. Mr. Speaker, I rise to join my colleagues in commemorating the 20th anniversary of the occupation and division of Cyprus. At a time when the world is undergoing dramatic change and many longstanding international conflicts are being resolved, it is with deep regret that we report that very little progress has been achieved in Cyprus.

On July 20, 1974, Turkey launched its invasion of Cyprus. Since the invasion, 37 percent of Cyprus remains under military occupation of 35,000 Turkish troops, and Nicosia, the capital of Cyprus, remains a divided city.

Despite repeated and persistent calls by the international community, Turkish troops remain in Cyprus. The United Nations has repeatedly condemned the military occupation of Cyprus and has called on the immediate withdrawal of Turkish troops. The U.N. Security Council has also repeatedly reaffirmed the right of the forcibly displaced Greek Cypriots to return to their homes and called for an account of the fate of the 1,619 missing persons in Cyprus. Despite numerous efforts by the United Nations to bring about a peaceful settlement, negotiations remain at a stalemate.

Congress has always supported a just and lasting solution to the Cyprus conflict, and it must continue to press all parties to work constructively for a resolution in accordance with U.N. resolutions and agreements between the two sides. A positive step in this direction would be the demilitarization of the island—an initiative that has been proposed by President Clerides of Cyprus. This proposal, combined with renewed negotiations, would benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey and would be a significant step toward peace in the volatile eastern Mediterranean region.

Mr. Speaker, I hope our efforts here tonight will serve as a catalyst for renewed peace talks. Cypriots, both Greek and Turkish, deserve to be free of the hostilities that have plagued their land for 20 years. They must know that the United States Congress is with them in their struggle for the reunification of Cyprus. They must also know that, despite the tremendous progress in places like the Middle East and South Africa, the conflict in Cyprus has not been forgotten.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of today's Special Order marking the 20th Anniversary of Turkey's invasion of Cyprus. This is an important opportunity for Members of Congress to reaffirm their commitment to fostering peace in this troubled region.

Twenty years after the Turkish invasion of Cyprus, this island remains tragically divided and under occupation. Thousands of Turkish troops continue to occupy a large portion of the island and thousands of Cypriots have been separated from their homes and property. Despite the changes that have dramatically transformed the European map during the past few years, Cyprus remains not only divided, but in a state of potentially dangerous conflict.

As peace talks in the Middle East continue to surge forward, the time is ripe for some type of resolution of the Cyprus problem as well. A peaceful resolution of this crisis would improve prospects for peace in the Mediterranean and for the entire European Community.

Mr. Speaker, the United States must make a concerted effort to bring the Cyprus issue to the forefront of foreign policy concerns, encourage and participate in a conference between all legitimate parties, and most importantly, bring peace and democracy to the people of Cyprus.

Mr. DELLUMS. Mr. Speaker, July 20, 1994 marks the 20th year that the Republic of Cyprus has been divided and occupied. A direct consequence of that invasion and occupation is that the whereabouts of almost 2,000 people are still unknown.

We understand that these individuals were arrested by Turkish military personnel during the invasion and subsequent occupation, and there is evidence that these individuals are being detained by the government of Turkey.

This anniversary presents us with the opportunity to persist in working with the United Nations negotiating team, to support their continuing efforts to bring Mr. Glafcos Clerides, President of the Republic of Cyprus, and Mr. Rauf Denktash, Turkish Cypriot leader, closer to agreement.

I am honored to join with my colleagues in calling upon the President to renew support of

United Nations efforts to resolve the issues of territorial control in Cyprus and to gain the release of the 1,619 innocent people who are still being held.

Mr. LEVY. Mr. Speaker, it is appropriate that we commemorate July 20, 1994 as the 20th anniversary of the invasion and division of the island-nation of Cyprus.

Today, Greek-Cypriots remember the events of the summer of 1974 when Cyprus was invaded and forcibly divided by the Armed Forces of Turkey. This Turkish zone of occupation declared its unilateral independence in 1983, an act deemed illegal by the United Nations and subsequently condemned and denounced by the United States.

Since the time of the invasion, Turkey has been less than forthcoming about the whereabouts of more than 1,614 Greek-Cypriots who are still missing. No less significant is the fact that five United States citizens are among those still missing, some 20 years after the occupation of Cyprus by Turkish troops.

The Government of Cyprus has made numerous attempts to reach agreement on a just and lasting solution to the Cyprus problem. Working in accordance with the United Nations' guidelines and relevant U.N. resolutions, the Government of Cyprus has attempted to engage Turkey and the Turkish community of Cyprus to reach a settlement. The Turkish side has repeatedly rejected Cyprus' efforts to end the tragic and unacceptable status quo, including the recent demilitarization proposal put forth by the President of Cyprus. This is unfortunate as this proposal should be the basis for a just and lasting solution.

Mr. Speaker, it is fitting that today we remember the events of 20 years ago. That we remember those innocents who lost their lives. That we remember those American citizens and Greek-Cypriots who are missing to this day; and it is only fitting that we continue to work toward a lasting solution.

The people of Cyprus have suffered long enough.

Mr. SANTORUM. Mr. Speaker, it is regrettable that while freedom and democracy are spreading throughout the world, the island of Cyprus remains divided and under military occupation. It is lamentable that despite the dismantling of the Berlin Wall and despite the end of apartheid in South Africa, Cypriots are unable to cross over the green line that divides the island. Twenty years after the invasion, 200,000 Greek Cypriots refugees are still unable to return to their homes and the 1,619 missing persons, including five Americans, taken by Turkish troops during the invasion are still unaccounted for.

However, there is reason to be hopeful that this tragic situation will soon be remedied. In December 1993 Cyprus President Glafcos Clerides submitted to the United Nations a thoughtful proposal for the demilitarization of Cyprus. If implemented, demilitarization will help alleviate the tension between the communities.

I commend the Cyprus Government for the generous steps it offers to take in exchange for the withdrawal of Turkish troops, such as the disbanding of the Cypriot National Guard, the transfer of the national guard's equipment to the U.N. Peace Keeping Force, and the use of money saved from defense expenditures for development of both communities.

I am hopeful that this tragic conflict will soon end and that the two communities will be reunited in peace. I urge the international community to make the demilitarization of Cyprus a top priority.

Mr. ANDREWS of New Jersey. Mr. Speaker, tomorrow will mark the 20th anniversary of Turkey's invasion of the peaceful, self-governing island of Cyprus. In the two decades since this horrible deed, Turkey has pursued a relentless policy of demographic reorganization of Cyprus. It has taken over 37 percent of the island, moving 200,000 Greek Cypriots from their homes and installing 80,000 illegal colonists and 35,000 heavily armed troops. Mr. Speaker, I join my colleagues today in sending the message to Turkey and the other nations of the world that America will never relent in correcting injustices like this one. I encourage my colleagues to cosponsor H.R. 3475, legislation I have introduced that would deny American aid to Turkey as long as that nation exercises tyranny over its neighbor. As long as it takes for Turkey to withdraw from a land that is not theirs, Congress and the world will denounce their illegal occupation and the notion that strength of arms alone can deny a people their legitimate right to self-determination.

Mr. VISCLOSKEY. Mr. Speaker, I join my colleagues in this special order today to call attention to the 20th anniversary of the illegal Turkish invasion and occupation of the Republic of Cyprus. I would also like to acknowledge the efforts of Rev. Evagoras C. Constantinides, Rev. Peter Georgacakes, and Rev. Constantine Aliferakis. These three men have worked tirelessly to promote public awareness of the Cyprus problem in northwest Indian and keep me advised of developments in the situation.

In July 1974 the Turkish invasion of Cyprus resulted in the illegal occupation of 37 percent of the country by an estimated 35,000 Turkish troops. Nearly 200,000 Greek Cypriots, who were forcibly expelled from their homes in a blatant instance of ethnic cleansing, remain refugees. Furthermore, 1,614 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

I have joined more than 180 of my colleagues in the House of Representatives in sponsoring legislation that would require the President to conduct a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974. It is my strong belief that it is time to bring this tragic chapter of Cyprus' history to a close.

Since the time of the invasion, the United Nations has adopted several resolutions condemning the situation in Cyprus as unacceptable. In these resolutions, the U.N. has called for the withdrawal of foreign forces from Cyprus, the return of refugees, verification of the fate of the missing, and respect for the human rights of all Cypriots.

However, pleas from the international community for Turkey to resolve the Cyprus problem have fallen upon deaf ears. In fact, Turkey has obstructed the progress of peaceful resolution by actively maintaining a military presence on Cyprus and working to change the demographics of the island by transporting more than 80,000 Turkish colonist-settlers to the occupied area. To date, Turkey maintains

the unsubstantiated claim that the area of Cyprus under Turkish control is an independent state. No other country in the world recognizes the so-called Turkish Republic of Northern Cyprus.

On the other hand, the government of Cyprus has been extremely cooperative in efforts to end the two-decade-old division of this island. In 1993, the Cyprus Government submitted to the United Nations a proposal calling for the demilitarization of Cyprus. In addition, the government of Cyprus endorsed U.N. Secretary General Boutros Boutros-Ghali's efforts to implement a package of confidence building measures intended to be a first step to facilitate the political process toward an overall Cyprus settlement.

President Clinton and the United States Congress have shown their strong support for ending the tragic Cyprus conflict. The international community, including the government of Cyprus, concur with this conviction. It is time for the division to end—time for the people of Cyprus to live a peaceful existence—time for the families of the missing to have their questions answered. In short, it is time for the Turkish Government to cease their illegal occupation of Cyprus.

In closing, I would like to commend my colleague, MICHAEL BILIRAKIS for his leadership on this issue and for convening this special order today. It is my sincere hope that on the 21st anniversary of the Turkish occupation of Cyprus, we will gather together to celebrate a peaceful resolution, rather than lament another year of oppression.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman and commend him for organizing this special order, and for all his work on the problems in Cyprus over the years. In the past few years we have witnessed great advances for peace and justice throughout the world. The end of the cold war, the triumph of democracy in South Africa, and the movement toward peace in the Middle East have been beacons of hope for us all.

In the light of these advances, the situation in Cyprus is all the more tragic for that island remains divided by the shackles of occupation and oppression. Tomorrow we commemorate the 1974 Turkish invasion and occupation of 37 percent of Cyprus. That invasion and the continued presence of 35,000 Turkish troops represents a gross violation of human rights and international law.

Nearly 200,000 Greek Cypriots were expelled from their homes in a blatant example of ethnic cleansing. They have not been allowed to return to their homes. Their property has been confiscated and the Turkish Government has transferred 80,000 of its own citizens to the occupied areas in a blatant effort at colonialization.

The brutality of these crimes is made worse by the fact that they have been underwritten by this country—Turkey has received billions of United States foreign assistance over the years. During the invasion, 1,614 Greek Cypriots and 5 Americans were seized by Turkish troops. They remain unaccounted for to this day.

The Turkish Government has been deaf to U.N. resolutions, resolutions of this Congress, and the pleas of family members separated from loved ones for 20 years. They continue

to refuse to account for the fate of the missing.

Included among the missing are the friends and relatives of many of my constituents from Astoria, NY. For 20 years they have been waiting, hoping, and praying. Their pain deserves to be relieved. Turkey must account for the missing.

My colleagues ELIOT ENGEL and JOHN PORTER have introduced a resolution calling for a Presidential investigation into the missing has galvanized this Congress into cosponsoring their resolution—which has the support of 43 Senators and 184 Representatives. This bill was reported out of the Foreign Affairs Committee just today and is expected to come to the floor next week. At the very least, human decency demands that this measure is passed by the 103d Congress.

Though the issue of the missing is the most blatant example of Turkish intransigence, there are of course other issues which must be addressed. Our NATO ally, Turkey, continues to defy the will of the international community by ignoring the numerous U.N. resolutions on the Cyprus problem which call for the withdrawal of Turkish forces from Cyprus and grant the most basic rights to Greek Cypriots, including the return of refugees to their homes.

Turkish troops continue to sustain the illegal occupation of Cyprus. Turkey also continues to encourage the stonewalling tactics of the Turkish Cypriot leader Denktash in U.N. negotiations over the fate of the island. The latest disappointment is the failure of the U.N.-sponsored talks on confidence building measures, intended as the first step toward an overall political settlement. The Turkish Cypriot side has rejected these proposals, which were fully accepted by the Greek Cypriot President Clerides at great political risk many months ago. I commend President Clerides for that courageous act.

Secretary General Boutros Ghali proposed several very reasonable confidence building measures concerning the town of Varosha and the Nicosia International Airport. The intransigence of the Turkish side in their refusal to accept these proposals is a matter of great concern to all of us.

The Secretary General has concluded, and I quote: "For the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side." That is unusually blunt language for a diplomat and represents the degree of frustration felt by the international community. I would suggest that the time has come to compel the Turkish side to see reason.

That is why I introduced House Concurrent Resolution 186 last November. My legislation recognizes the positive role that Turkey could play in the talks, if it were so inclined. Unfortunately, to date there seems to be no such inclination. My resolution also recognizes that economic sanctions, under chapter VII of the U.N. Charter, may be the best means of influencing the Turkish Cypriots.

The Turkish side has also rejected President Clerides proposal for a total demilitarization of the island, which would ease tensions between the communities and allow the money saved on defense to be used for economic development. The removal of Turkish



troops from Cyprus would greatly enhance the prospects for peace on the island.

Mr. Speaker, I was privileged to be able to visit Cyprus last summer and to witness firsthand the continuing tragedy of the 1974 Turkish invasion. You don't have to be a native Cypriot to feel outrage and pain that parts of Cyprus have been occupied for 20 years. You don't have to be a native Cypriot to feel kinship with the fathers and mothers and sisters and brothers of those missing and unaccounted for for 20 years.

We must not let the world forget this tragedy. We must not turn our backs on the people of Cyprus. We must press the Turkish Cypriot leadership, and their supporters in Ankara, to release or account for the 1,619 missing persons. They must restore the churches that have been converted to mosques. They must withdraw the occupying troops from Cyprus and put an end to their policy of ethnic cleansing through expulsion and colonization.

We in the United States must stand ready to assist the Greek Cypriots in their 20-year struggle for lasting peace and justice on Cyprus.

Mr. ZELIFF. Mr. Speaker, I rise to mark the 20th anniversary of the invasion, occupation, and subsequent division of Cyprus. I also offer a prayer that we may finally resolve what has become known as the Cyprus problem, that the latest round of United Nations peace talks succeed where previous ones have failed, and that we do not have to repeat this ritual next year.

The facts surrounding this situation are familiar, but nonetheless grim. On July 20, 1974, Turkey invaded Cyprus, defeated Greek Cypriot forces and occupied the northern third of the island. More than 200,000 Greek Cypriots fled to the south; 1,600 Greek Cypriots and 5 Americans are still unaccounted for. Businesses were lost, land and property were confiscated, friends and family were separated.

The ensuing 20 years have only deepened the mistrust and hatred across the green line—the infamous border between the Republic of Cyprus and the self-declared Turkish Republic of Northern Cyprus. Thirty-five thousand Turkish troops still occupy the northern one-third of the island. Eighty thousand Turkish settlers have taken up residence on Cyprus, some on lands previously inhabited by Greek Cypriots.

The United States has always supported a just and permanent solution to the Cyprus problem, and we must continue these efforts. We should demand answers to unanswered questions, and accountability from those who have committed crimes with impunity.

Toward this end, I have cosponsored H.R. 2826, which directs the President to: First, investigate and report to the Congress on the whereabouts of United States citizens and others who have been missing from Cyprus since 1974; and second, do everything possible to return such persons—including the remains of those no longer alive—to their families.

The latest bid at peace, and perhaps the one with the greatest chance of success, has been a U.N.-backed package of confidence-building measures [CBM's]. These measures include reopening both the resort town of Varosha and Nicosia Airport under international control.

The strength of these measure is that they recognize the enormous difficulties facing any peace plan. The CBM's seek to maximize the positive economic impact to both Turkish and Greek Cypriots while limiting the actual contact—and therefore the chances of potentially violent conflict—between the two communities.

The CBM's would only be the first step, but a very important first step, in ending the current stalemate. I am pleased that the Republic of Cyprus has accepted the CBM's, but dismayed that the Turkish Cypriots have resisted. The international community should continue to urge the Turkish Cypriots to accept the CBM's and resume a meaningful peace process.

Twenty years of occupation, and of struggle, should come to an end. The people of Cyprus—Greek and Turk—proved at one time that they could put aside ethnic differences and live peacefully under one government. Let us keep focused and not give up hope that this may one day occur again.

Mr. TORRICELLI. Mr. Speaker, the 1974 division of Cyprus was a tragedy that continues to plague the harmony of the island. The United States has always maintained strong and close ties with Cyprus and it is clearly in the United States interest for there to be a fair settlement between the Greek and Turkish Cypriots.

But a fair solution, while attainable, is undermined by the Turkish Government's insistence on recognition for a separate Turkish Cypriot State. No other Government aside from Ankara recognizes this State. Ankara's obstinateness is a disservice not only to the international community, Cyprus and all the nations of the region, but to Turkey itself. The Turkish military occupation of Cyprus is condemned by the international community and prevents a peaceful solution to the conflict.

A solution to this problem must be found, and the United Nations is making every effort to find one. Congress must also make every effort to support the United Nations in its attempts to reach a settlement between the two parties.

It is disappointing that recent U.N. negotiations on Cyprus have failed. It is imperative that the Greek and Turkish Cypriots cooperate with the Secretary General in his attempt to provide an outline for a settlement of the dispute.

I have sponsored legislation calling on a peaceful U.N. sponsored solution to the Cyprus dispute. I am also a cosponsor of legislation to provide an investigation of people missing since the 1974 Turkish invasion of Cyprus. I will continue my commitment to legislation and other measures designed to bring a peaceful solution to the situation on Cyprus.

Until the Ankara Government recognizes the need for a compromise acceptable to all parties and negotiates under the guise of the United Nations, this conflict will continue to be an unnecessary and unwanted burden on the region and the world.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my continued concern over Turkey's occupation of Cyprus. Twenty years ago on July 20, Turkey invaded Cyprus. As a result of the invasion, 1,614 Greek Cypriots and 5 American citizens, all abducted by Turkish troops during the invasion, still remain missing

and unaccounted for. But unfortunately, the tragedy does not end here. Today, approximately 35,000 Turkish troops still occupy 37 percent of Cyprus. Additionally, 200,000 Greek Cypriots have become refugees after being expelled from their homes.

Turkey's continued presence in Cyprus is unacceptable. The division of Cyprus has resulted in violent confrontations along the so-called green-line for the last two decades. The United Nations, with U.S. support, has been promoting an intercommunal negotiating process aimed at creating a new federal republic on the island. Such a federal republic would be a biocommunal, bizonal, nonaligned, and independent state.

The United States Government has monitored developments in Cyprus most closely. Our Foreign Affairs Committee annually authorizes \$15 million dollars to Cyprus with the intent of promoting biocommunal projects, and to provide scholarship money to Cypriot students. Our executive branch has also played an important role in the quest toward a peaceful resolution to the Cyprus problem.

Yet, Mr. Speaker, Turkey's occupation of Cyprus persists. It is a blatant violation of international law and signifies a complete disregard for the human rights of the people of the Republic of Cyprus. Since July 1974, the United Nations has adopted numerous resolutions calling for the withdrawal of Turkish forces from Cyprus, the return of the refugees, and an account of the missing. But Turkey has ignored these calls from the international community. The executive and legislative branches of our Government must join together to send a clear and unrelenting message to Ankara: "Leave Cyprus now."

Mr. PICKETT. Mr. Speaker, I am very pleased to join my friend and distinguished colleague from Florida [Mr. BILIRAKIS] in participating in this special order to commemorate the 20th anniversary of the Turkish invasion of Cyprus.

Since the 1974 invasion of northern Cyprus, nearly 180,000 Greek Cypriots, forced from their homes, have been unable to return, and 1,600 citizens are still missing or unaccounted for. Despite attempts by the United Nations to condemn Turkey's violation of human rights and call for the withdrawal of all foreign forces, Turkey continues its occupation force in the once independent Republic of Cyprus.

The Government of Cyprus has attempted to reach agreements with Turkey to no avail. Most recently in 1993, in accordance with U.N. peacekeeping initiatives, Cyprus proposed the demilitarization of Cyprus in exchange for the disbanding of its National Guard. Money saved from defense was to be split to benefit both northern and southern Cyprus. However, once again Turkey rejected Cyprus' peace efforts opting instead to continue opposing any means of reconciliation.

In an effort to facilitate peace in Cyprus, the U.N. Security Council is once again preparing new proposals for both sides of this conflict to consider. It is my hope that an agreement can be reached before a dilemma results that is beyond peacemakers' control.

So on this 20th anniversary of the Turkish invasion of Cyprus, it is my hope that the Turkish and Greek Cypriots will join together in a movement toward peaceful relations.

## GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

The SPEAKER pro tempore (Mr. DEUTSCH). Is there objection to the request of the gentleman from Florida?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL) for today and Wednesday, July 20, on account of her daughter's illness.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 20 and 21.

Mr. HORN, for 5 minutes, today and July 22.

Mr. WELDON, for 5 minutes, today.

Mr. DIAZ-BALART for 5 minutes, today.

(The following Member (at the request of Mr. ABERCROMBIE) to revise and extend his remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARLOW, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CUNNINGHAM, on House Congressional Resolution 261.

Mr. ENGEL, during the special order of Mr. BILIRAKIS on July 19, 1994.

Mr. PORTER, during the special order of Mr. BILIRAKIS on July 19, 1994.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mrs. ROS-LEHTINEN.

Mr. PETRI.

Mr. TALENT.

Mr. BEREUTER.

Mr. STUMP.

Mr. SOLOMON.

Mr. THOMAS of Wyoming.

Mr. FIELDS of Texas in two instances.

Mr. CRANE.

Mr. KING in two instances.

Mrs. BENTLEY.

Mr. MANZULLO.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. MANN.

Mr. MILLER of California.

Mr. FROST.

Mr. POSHARD in two instances.

Mr. MINETA.

Mr. GORDON.

Mr. CARR of Michigan in two instances.

Mrs. MALONEY.

Mr. HAMILTON.

Mr. FAZIO.

Mr. KLEIN.

Mr. HOYER.

Mr. ANDREWS of New Jersey.

Mr. VISCLOSKEY.

Mr. KLECZKA.

Mr. BROOKS.

Mr. JACOBS.

Mr. STARK.

Mr. ANDREWS of Texas in two instances.

Mr. VALENTINE.

Mr. DOOLEY.

Mr. STUDDS.

Mr. RAHALL.

Mr. HOCHBRUECKNER.

Mr. BLACKWELL.

Ms. LAMBERT.

Mr. SERRANO.

Mr. BROWDER.

Mr. PETERSON of Florida.

(The following Member (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. TAUZIN.

## SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding; to the Committee on Foreign Affairs.

## ADJOURNMENT

Mr. BILIRAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday July 20, 1994, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A letter from the Director, Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1994-1999, pursuant to 31 U.S.C. 1106; to the Committee on Appropriations.

3540. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Examination of D.C. Housing Finance Agency's Expenditures for FY 1989 through FY 1992," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3541. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the District of Columbia.

3542. A letter from the Assistant Secretary (Office of Policy), Department of Energy, transmitting the Department's report entitled, "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency," pursuant to Public Law 102-486, section 131(c) (106 Stat. 2837); to the Committee on Energy and Commerce.

3543. A letter from the Administrator, Federal Railroad Administration, transmitting the administration's report entitled, "Railroad Communications and Train Control"; to the Committee on Energy and Commerce.

3544. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 610(a) of the Foreign Assistance Act, as amended (the "Act"), to authorize that \$3,812 million of funds made available for section 23 of the Arms Export Control Act for fiscal year 1994 be transferred to, and consolidated with, funds made available for Peacekeeping Operations [PKO] under section 551 of the act, and exercise his authority under section 614(a)(1) of the act to authorize the furnishing of \$4,312 million in fiscal year 1994 PKO funds to provide assistance for sanctions enforcement against Serbia and Montenegro without regard to provisions of law within the scope of that section, including section 660 of the act, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in Colombia, however, because some political violence remains in Bogatá, the Post (Hardship) Differential was increased by a modest amount, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

3546. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the annual report of the group retirement plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.



3547. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled, "Collision Avoidance Systems" for fiscal year 1993, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); to the Committee on Public Works and Transportation.

3548. A letter from the Secretary, Department of Energy, transmitting the 17th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

3549. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Coast Guard Omnibus Act of 1994"; jointly, to the Committees on Merchant Marine and Fisheries, Armed Services, and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. Improving the Management of the Farmers Home Administration Single-Family Housing Portfolio Through Centralized Servicing and Mortgage Escrowing (Rept. 103-609). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Information Resources Management in a Reconfigured U.S. Department of Agriculture (Rept. 103-610). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. S. 473. An act to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes; with an amendment (Rept. 103-611, Pt. 1). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. UPTON, and Mr. BONIOR):

H.R. 4779. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABO:

H.R. 4780. A bill to amend the Congressional Budget Act of 1974 to make section 313 (relating to extraneous matter in reconciliation legislation and popularly known as the Byrd rule) applicable to the Senate only; to the Committee on Rules.

By Mr. BROOKS (for himself and Mr. FISH):

H.R. 4781. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual

assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself and Mr. DORNAN):

H.R. 4782. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursed; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 4783. A bill to establish the National Indian Research Institute; jointly, to the Committees on Natural Resources and Education and Labor.

By Mr. MCCURDY:

H.R. 4784. A bill to modify the Mountain Park project in Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mrs. MINK of Hawaii:

H.R. 4785. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act) to require that contract work covered by the act which requires licensing be performed by a person who is so licensed; to the Committee on Education and Labor.

By Mr. PETRI:

H.R. 4786. A bill to convert into a requirement the option of States to deny aid to families with dependent children to unmarried minors not living at home or under adult supervision, and narrow the exceptions to the requirement, and to deem to a minor parent all income of the minor's parents who are living in the same home as the minor parent; to the Committee on Ways and Means.

By Mr. TORRES:

H.R. 4787. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Natural Resources.

By Mr. STUMP (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. RIDGE, Mr. SPENCE, Mr. HUTCHINSON, Mr. EVERETT, Mr. BUYER, Mr. QUINN, Mr. BACHUS of Alabama, Mr. LINDER, Mr. KING, and Mr. STEARNS):

H.R. 4788. A bill to amend title 38, United States Code, to reform and simplify criteria for eligibility for health care provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself, Mr. UPTON, and Mr. RICHARDSON):

H.R. 4789. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT:

H.R. 4790. A bill to designate the U.S. courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. GRAMS (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. SOLOMON, Mr. STENHOLM, Mr. HASTERT, Mr. DEAL, Mr. STEARNS, Mr. TALENT, Mr. DREIER, Mr. SAXTON, Mr. KNOLLENBERG, Mr. INHOFE, Mr. ZIMMER, Mr. CALVERT, Mr. STUMP, Mr. TORKILDSEN, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BAKER of California, Mr. HORN, Mr. KING, Mr. LEWIS of Florida, Mrs. FOWLER, Mr. HANCOCK, Mr. LINDER, Mr. BARCIA of Michigan, and Mr. SMITH of Oregon):

H.R. 4791. A bill to establish Federal standards for the resolution of health care malpractice claims, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. LIVINGSTON, Mr. LEVY, Mr. SENSENBRENNER, Mr. MCHUGH, Mr. CANADY, and Mr. PACKARD):

H.R. 4792. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4793. A bill to amend part A of title IV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Training [JOBS] program with a program that would assist all recipients of aid to families with dependent children in achieving self-sufficiency, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and Agriculture.

By Mr. POMBO:

H.R. 4794. A bill to provide for expediting an investigation by the International Trade Commission by providing for the monitoring of the importation of tomatoes and peppers under certain circumstances; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4795. A bill to direct the President to establish national program to provide for coordination between Federal, State and local agencies, voluntary organizations, and private enterprise in order to encourage the public to eat a healthy diet; jointly, to the Committees on Agriculture, Energy and Commerce, and Education and Labor.

By Mr. BORSKI (for himself, Mr. BLACKWELL, Mr. CLINGER, Mr. COYNE,

Mr. FOGLIETTA, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Ms. MARGOLIES-MEZVINSKY, Mr. MCDADE, Mr. MCHALE, Mr. MURPHY, Mr. MURTHA, Mr. RIDGE, Mr. SHUSTER, Mr. WELDON, Mr. ABERCROMBIE, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. APPELGATE, Mr. BACCHUS of Florida, Mr. BARRETT of Wisconsin, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. BRYNE, Mr. CALLAHAN, Mr. CALVERT, Ms. CANTWELL, Mr. CARR, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Ms. COLLINS of Michigan, Mr. CONYERS, Mr. COX, Mr. CRAMER, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DINGELL, Mr. DIXON, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Ms. ENGLISH of Arizona, Mr. EVANS, Mr. EWING, Mr. FAZIO, Mr. FALEOMAVAEGA, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FISH, Mr. FLAKE, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLO, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GRAMS, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUGHES, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KINGSTON, Mr. KING, Mr. KLECZKA, Mr. KLEIN, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LAROCO, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LOWEY, Mrs. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. McDERMOTT, Mr. McINNIS, Mr. McNULTY, Mr. MEEHAN, Mrs. MEER of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Ms. PELOSI, Mr. PORTER, Mr. POSHARD, Mr. QUILLIN, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. RAVENEL, Mr. REED, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCOTT, Mr. SERRANO, Mr. SHARP, Mr. SISISKY, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SPRATT, Mr. SPENCE, Mr. STEARNS, Mr. STUPAK, Mr. TAUZIN, Mr. TEJEDA, Mr. THOMPSON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mr. WALSH, Mr. WASHINGTON, Mr. WATT, Mr. WAXMAN, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Alaska):

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 287. Concurrent resolution expressing the sense of the Congress that the Federal Government should develop a comprehensive program regarding natural disasters, require individuals and businesses in disaster prone areas to purchase insurance for natural disasters, and create a Federal reinsurance program to minimize the associated risks to insurance companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS of Texas:

H. Con. Res. 268. Concurrent resolution to express the sense of the Congress that the United States should refrain from signing the seabed mining agreement relating to the Law of the Sea Treaty; to the Committee on Foreign Affairs.

By Mr. GOSS (for himself, Mr. GOODLATTE, Ms. DUNN, Mr. DOOLITTLE, Mr. LINDER, Mr. HORN, Mr. GRAMS, Mr. SAM JOHNSON, Mr. BACHUS of Alabama, Mr. THOMAS of Wyoming, Mr. KNOLLENBERG, Mr. SMITH of Texas, Mr. KYL, Mr. BAKER of California, Mr. HUTCHINSON, Mr. CANADY, Mr. BOEHNER, Mr. TALENT, Mr. WALKER, Mr. STEARNS, Mr. MIL-

LER of Florida, Mr. MCCOLLUM, Mr. EWING, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. ROTH, Mr. HERGER, Mr. LEWIS of Florida, Mr. WELDON, Mr. SCHAEFER, Mr. GRANDY, Mr. LIVINGSTON, Mr. GILMAN, and Mr. SHAW):

H. Con. Res. 269. Concurrent resolution concerning consideration of U.S. military action against Haiti; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to memorializing the President and the Congress to call for an expeditious review and final decision by U.S. Army Corps of Engineers and the EPA on dredging in New Jersey; to the Committee on Public Works and Transportation.

449. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Federal Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

450. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to extend certain tax benefits to parents in order to strengthen family qualities; to the Committee on Ways and Means.

451. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to modify the personal exemption to dependent children; to the Committee on Ways and Means.

452. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to national health reform; jointly, to the Committee on Energy and Commerce and Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKEY:

H.R. 4796. A bill for the relief of the estate of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. LANCASTER:

H.R. 4797. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a hopper barge; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 4798. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Spirit of the Pacific Northwest*; to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. HINCHEY.  
H.R. 40: Mr. RANGEL and Mr. THOMPSON.  
H.R. 345: Ms. MARGOLIES-MEZVINSKY.  
H.R. 392: Ms. MARGOLIES-MEZVINSKY.  
H.R. 402: Mr. DIAZ-BALART and Mr. LEVY.  
H.R. 417: Mr. ROYCE.  
H.R. 520: Mr. KLINK.  
H.R. 636: Mr. MACHTLEY.  
H.R. 642: Mrs. VUCANOVICH and Mr. DORNAN.  
H.R. 749: Mr. KLINK.  
H.R. 911: Mr. DEUTSCH.  
H.R. 1043: Mr. KINGSTON.  
H.R. 1080: Mr. COLLINS of Georgia.  
H.R. 1164: Mr. McHALE.  
H.R. 1171: Mr. DEUTSCH.  
H.R. 1293: Mr. ROTH.  
H.R. 1482: Ms. MARGOLIES-MEZVINSKY.  
H.R. 1500: Mr. BILBRAY and Mr. NEAL of North Carolina.  
H.R. 1572: Mr. PAYNE of New Jersey.  
H.R. 1737: Mr. HILLIARD.  
H.R. 1852: Ms. MARGOLIES-MEZVINSKY.  
H.R. 1853: Ms. MARGOLIES-MEZVINSKY.  
H.R. 1857: Ms. MARGOLIES-MEZVINSKY.  
H.R. 1859: Ms. MARGOLIES-MEZVINSKY.  
H.R. 1877: Mr. OLVER.  
H.R. 1968: Mr. DEUTSCH.  
H.R. 2036: Ms. MARGOLIES-MEZVINSKY.  
H.R. 2119: Mr. BROWN of California and Mr. LANTOS.  
H.R. 2145: Mr. MARTINEZ, Mr. OBERSTAR, Mr. EMERSON, Mr. SWETT, Mr. RICHARDSON, and Mr. LAFALCE.  
H.R. 2147: Mr. MILLER of California.  
H.R. 2227: Mr. DEUTSCH.  
H.R. 2286: Mr. ROYCE and Mr. NEAL of North Carolina.  
H.R. 2292: Mr. BARLOW and Mrs. BYRNE.  
H.R. 2586: Mr. GILMAN.  
H.R. 2623: Mr. DOOLITTLE.  
H.R. 2708: Mr. DARDEN and Mr. GINGRICH.  
H.R. 2826: Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. ZIMMER, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, and Mr. GUTIERREZ.  
H.R. 2873: Mr. DEAL.  
H.R. 2985: Mr. SCHAEFER and Mr. LANTOS.  
H.R. 3023: Mr. SLATTERY, Mr. WHITTEN, Mr. REGULA, Mr. Lucas, Mr. McDERMOTT, Mr. McINNIS, and Mr. MATSUI.  
H.R. 3024: Mr. YOUNG of Alaska.  
H.R. 3270: Mr. WYNN, Mr. DIXON, Mr. EDWARDS of Texas, Mr. FOGLIETTA, Mr. SISISKY, and Mr. WASHINGTON.  
H.R. 3367: Mr. ENGEL.  
H.R. 3392: Mr. INSLEE and Mr. LUCAS.  
H.R. 3472: Mr. BARRETT of Nebraska.  
H.R. 3492: Mr. BROWDER, Mr. FILNER, Mr. DELAY, Mrs. THURMAN, Mr. DICKEY, Mr. DICKS, Mr. DOOLEY, Mr. WYDEN, Mr. SCHUMER, Mr. HOYER, Mr. KILDEE, Mr. KREIDLER, Mr. LAROCO, Mr. MENENDEZ, Mr. ROSE, Mr. SABO, Mr. SAWYER, Mr. MOAKLEY, Mr. NEAL of North Carolina, Mr. CRANE, and Mrs. MINK of Hawaii.  
H.R. 3513: Ms. MARGOLIES-MEZVINSKY.  
H.R. 3546: Mr. GRANDY.  
H.R. 3645: Mr. MACHTLEY and Mr. ROTH.  
H.R. 3668: Mr. SERRANO, Mr. FOGLIETTA, Mr. ENGEL, Mr. FROST.  
H.R. 3694: Mr. WILLIAMS, Mr. MINETA, and Mr. LEWIS of Florida.  
H.R. 3722: Mr. CANADY and Mr. EHLERS.  
H.R. 3725: Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. MILLER of Florida, and Mr. BLUTE.  
H.R. 3762: Mr. CALVERT.  
H.R. 3772: Ms. MARGOLIES-MEZVINSKY.  
H.R. 3795: Mr. LEWIS of Florida and Mr. CRANE.  
H.R. 3814: Mr. ROYCE.  
H.R. 3951: Mr. STUMP, Mr. KLUG, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KYL, Mr. DICKEY, and Mr. TALENT.  
H.R. 3971: Mr. HUTCHINSON, Mr. MCCOLLUM, and Mr. CALVERT.



H.R. 3990: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN, Ms. SCHENK, Mrs. THURMAN, and Mr. TRAFICANT.  
 H.R. 4036: Ms. LOWEY and Mr. ZIMMER.  
 H.R. 4050: Mr. WISE, Mr. CLYBURN, and Mr. CONYERS.  
 H.R. 4051: Mr. ABERCROMBIE, Mr. KOPETSKI, Mr. ACKERMAN, and Mr. BROWN of Ohio.  
 H.R. 4053: Mr. BROWN of California and Mr. LANTOS.  
 H.R. 4054: Mr. BROWN of California and Mr. LANTOS.  
 H.R. 4057: Mrs. BYRNE and Mr. COOPER.  
 H.R. 4074: Mr. CRAMER, Mr. BROWDER, Mr. BALLENGER, Mr. BORSKI, Mr. DARDEN, Mr. ENGEL, and Mr. CRANE.  
 H.R. 4091: Mr. SHAYS and Mr. BARRETT of Wisconsin.  
 H.R. 4095: Mr. GREENWOOD.  
 H.R. 4129: Mr. JEFFERSON, Mr. DELLUMS, Mr. HAMBURG, Mr. FIELDS of Louisiana, and Mr. SCOTT.  
 H.R. 4133: Mr. PETERSON of Florida.  
 H.R. 4161: Ms. MOLINARI.  
 H.R. 4233: Mr. JOHNSTON of Florida.  
 H.R. 4271: Ms. MCKINNEY.  
 H.R. 4318: Mr. MINETA and Mr. FARR of California.  
 H.R. 4393: Mr. MARTINEZ.  
 H.R. 4399: Mr. LEWIS of Georgia.  
 H.R. 4411: Mr. OBEY and Mr. HILLIARD.  
 H.R. 4413: Mr. CLEMENT, Mr. COOPER, Mr. HILLIARD, and Mr. FROST.  
 H.R. 4497: Mr. GRANDY, Mr. KIM, Mr. PICKLE, Mr. PETRI, Mr. PENNY, Mr. HOLDEN, Mr. WALSH, Mr. KLUG, Mr. MCINNIS, Mr. HORN, Mr. MANZULLO, Mr. LIGHTFOOT, Mr. OBERSTAR, Mr. MICHEL, Mr. ORTON, Mr. HOCHBRUECKNER, Mr. INGLIS of South Carolina, Mr. CALVERT, Mr. HUGHES, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. BARCA of Wisconsin, Mr. COYNE, Mr. SISISKY, Mr. JACOBS, Mr. MINGE, and Mr. NEAL of Massachusetts.  
 H.R. 4507: Mr. GREENWOOD.  
 H.R. 4544: Mr. RAHALL, Mr. COLEMAN, Mr. TORRICELLI, and Mr. PAYNE of New Jersey.  
 H.R. 4517: Mr. HOLDEN.  
 H.R. 4527: Mr. STEARNS, Mr. GOODLING, Mr. INGLIS of South Carolina, Mr. COLEMAN, and Mr. CHAPMAN.  
 H.R. 4570: Mr. VALENTINE and Mr. CLYBURN.  
 H.R. 4702: Mr. SHUSTER, Mr. GEKAS, Mr. RIDGE, Mr. GUNDERSON, Mr. LIPINSKI, Mr. LIVINGSTON, and Mr. ROMERO-BARCELÓ.  
 H.R. 4737: Ms. WOOLSEY, Mr. YATES, and Mr. MILLER of California.  
 H.J. Res. 45: Mr. HAYES.  
 H.J. Res. 90: Mrs. KENNELLY, Mr. GALLEGLY, Mr. TAYLOR of Mississippi, Ms. CANTWELL, Mr. PASTOR, Mr. GEKAS, and Ms. MARGOLIES-MEZVINSKY.  
 H.J. Res. 256: Mr. YOUNG of Alaska.  
 H.J. Res. 332: Mr. HASTERT, Mr. PARKER, Mr. MILLER of Florida, Mr. LEVY, Mr. TOWNS, Mr. ACKERMAN, Mr. HEFNER, Mr. ROYCE, Mr. HAMBURG, Mr. KILDEE, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. BORSKI, Mr. KLINK, Mr. MICHEL, Mr. SMITH of Texas, Mr. HYDE, Mr. FAZIO, Mr. SHUSTER, Mr. NEAL of North Carolina, Mr. COOPER, Mr. VOLKMER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. EMERSON, Mr. BROWN of California, Mr. GREENWOOD, Mr. DEFAZIO, Mr. FLAKE, Mr. APPELGATE, Mr. INHOFE, Ms. SLAUGHTER, Mr. SISISKY, Mr. COLEMAN, Mr. ENGEL, and Mr. UPTON.  
 H.J. Res. 338: Mr. KLECZKA, Mr. DICKEY, Mr. WASHINGTON, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. CALLAHAN, Mr. GLICKMAN, Mr. ROBERTS, and Mr. YOUNG of Florida.  
 H.J. Res. 343: Mr. BARRETT of Wisconsin.  
 H.J. Res. 347: Mr. DEUTSCH, Mr. EDWARDS of California, Mr. SCHIFF, Mr. LIVINGSTON, Mr. YOUNG of Florida, and Mr. SHAW.

H.J. Res. 358: Mr. SPRATT and Mr. SPENCE.  
 H.J. Res. 362: Mr. EMERSON.  
 H.J. Res. 374: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN, Mr. LAFALCE, Mr. THOMPSON, of Mississippi, Mr. PETERSON of Florida, Mr. BARCIA of Michigan, Mr. APPELGATE, Mr. SHUSTER, Mr. VISCLOSKEY, Mrs. MEEK of Florida, Ms. ENGLISH of Arizona, Mr. BARRETT of Wisconsin, Mrs. BYRNE, Mr. SAWYER, Mr. FORD of Michigan, Mr. KILDEE, Mr. KLECZKA, Mr. TANNER, Ms. LOWEY, Mr. HOLDEN, Mr. KLINK, Mr. BROWN of Ohio, Mr. MCCLOSKEY, Mr. COSTELLO, Mr. SANGMEISTER, Mr. SKELTON, Mr. PETE GEREN of Texas, Mr. PAYNE of Virginia, Mr. CLYBURN, Mr. FARR, of California, Mr. FAZIO, Mr. KINGSTON, Mr. DEAL, Mr. CONDIT, Mr. SISISKY, Mr. COLEMAN, Mr. STUDDS, Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. QUINN, Mr. CASTLE, Mr. PORTMAN, Mr. BORSKI, Mr. HINCHEY, Mr. GILMAN, Ms. FURSE, Mrs. UNSOELD, Mr. KENNEDY, Mr. BARCA of Wisconsin, Mr. LEWIS of Georgia, Mr. HAMBURG, Mr. PASTOR, Mr. MFUME, Mr. WATT, Mr. BECERRA, Mr. POSHARD, Ms. ROYBAL-ALLARD, and Ms. LAMBERT.  
 H.J. Res. 381: Mr. MANN, Mr. LEVY, Ms. SLAUGHTER, Mr. FROST, Mr. HUGHES, Mr. MCDERMOTT, Mr. ZIMMER, and Mrs. MEEK of Florida.  
 H.J. Res. 388: Mr. GILMAN, Mr. MARTINEZ, Mr. MCCLOSKEY, and Mr. BERUTER.  
 H. Con. Res. 3: Mr. PAXON.  
 H. Con. Res. 127: Mr. SAWYER.  
 H. Con. Res. 148: Mrs. COLLINS of Illinois and Mr. PORTMAN.  
 H. Con. Res. 166: Mr. SCHIFF, Mr. ZIMMER, Ms. LOWEY, and Mr. BERMAN.  
 H. Con. Res. 181: Mr. BILBRAY, Mr. RAHALL, Mr. FROST, Mr. GLICKMAN, Mr. LIPINSKI, Mr. BATEMAN, Mr. GREENWOOD, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. BEILENSON, Ms. BROWN of Florida, and Mr. PALLONE.  
 H. Con. Res. 243: Mr. BACCHUS of Florida and Mr. SYNAR.  
 H. Con. Res. 247: Mr. BROWN of California, Mr. DINGELL, Mr. CARDIN, Mr. WYNN, Mrs. MALONEY, Mr. FRANKS of New Jersey, Ms. NORTON, Mr. MANTON, and Mr. LANTOS.  
 H. Con. Res. 254: Mr. LIPINSKI, Mr. SANGMEISTER, and Ms. LOWEY.  
 H. Con. Res. 256: Mr. GUNDERSON, Mr. PETRI, and Mr. EHLERS.  
 H. Con. Res. 261: Mr. CUNNINGHAM.  
 H. Con. Res. 264: Mr. BALLENGER, Mr. MCCOLLUM, Mrs. ROUKEMA, and Mr. SOLOMON.  
 H. Res. 247: Mr. HOKE and Mr. BILIRAKIS.  
 H. Res. 432: Ms. MARGOLIES-MEZVINSKY, Mr. FRANK of Massachusetts, Mr. DELLUMS, and Mr. MORAN.  
 H. Res. 453: Mr. HALL of Ohio, Mr. DELLUMS, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. THOMPSON, Mr. CLAY, Mr. MCCLOSKEY, Mr. REYNOLDS, Mr. RIDGE, Mr. FOGLIETTA, Mr. CLYBURN, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ENGEL, Mr. PAYNE of New Jersey, Mr. GEUDENSON, Mr. MINGE, Mr. SCHIFF, Mr. WYNN, Mr. WOLF, Mr. BERMAN, Mr. SHAYS, Mr. WASHINGTON, Mr. DEUTSCH, Mr. EVANS, Mr. WILSON, Ms. SLAUGHTER, Mr. ANDREWS of Maine, Mr. BROWN of California, and Ms. FURSE.  
 H. Res. 472: Mr. LIVINGSTON, Mr. ALLARD, Mr. SOLOMON, Mr. BLUTE, Mr. SCHAEFER, Mr. BOEHNER, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. EMERSON, Mr. DORNAN, Mrs. JOHNSON of Connecticut, Mr. LAZIO, and Mr. PENNY.  
 H. Res. 476: Mr. MCCLOSKEY, Mr. GILMAN, Mr. SOLOMON, Mrs. LLOYD, Mr. SMITH of New Jersey, Mr. CRAMER, and Mr. HUGHES.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. ABERCROMBIE:

—At the end of the bill, add the following new title (and conform the table of contents accordingly):

#### TITLE —TRANSPORTATION OF NUCLEAR MATERIALS

#### SEC. . TRANSSHIPMENT OF HIGH-LEVEL RADIOACTIVE WASTE [HLRW] THROUGH UNITED STATES PORTS.

(a) DENIAL OF PORT PRIVILEGES.—Notwithstanding any other provision of law, no vessel in transit from a foreign nation to a foreign nation which is transporting HLRW shall be permitted entry, even under emergency circumstances, to any place in the United States and to the navigable waters of the United States, unless the container for such HLRW is certified as safe by the U.S. Nuclear Regulatory Commission in accordance with subsection (b).

(b) RESPONSIBILITIES OF THE NUCLEAR REGULATORY COMMISSION.—

(1) DETERMINATION OF SAFETY.—The Nuclear Regulatory Commission shall determine whether the container referred to in subsection (a) is safe for use in transporting of HLRW by vessel and transmit to Congress a certification for the purpose of such subsection in the case of each type of container determined to be safe.

(2) TESTING.—In order to make a determination with respect to a container under paragraph (1), the Nuclear Regulatory Commission shall test such container, to the fullest extent possible, under conditions approximating a maximum credible accident involving collision, fire and sinking, based upon actual worst case maritime accident experience.

(3) LIMITATION.—The Nuclear Regulatory Commission may not certify under this section that a container is safe for use in the transportation of HLRW by vessel if the container ruptured or released any of its contents during tests conducted in accordance with paragraph (2).

(4) EVALUATION.—The Nuclear Regulatory Commission shall evaluate the container certification required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) and all other applicable law.

(c) CONTENTS OF CERTIFICATION.—A certification referred to in subsection (a) with respect to a container shall include—

(1) the determination of the Nuclear Regulatory Commission as to the safety of such container;

(2) a statement that the requirements of subsection (b)(2) were satisfied in the testing of such container; and

(3) a statement that the container did not rupture or release any of its contents into the environment during testing.

(d) DESIGN OF TESTING PROCEDURES.—In designing the tests required by subsection (b), the Nuclear Regulatory Commission shall—

(1) convene an independent scientific panel of marine safety experts, a majority of whom shall be representatives of the Coast Guard and National Transportation Safety Board, to assist in (A) the definition of a maximum credible accident involving HLRW transport based upon a survey of maritime accidents and an assessment of the most severe conditions under which such accidents have occurred and (B) the design of appropriate test procedures to replicate such conditions;

(2) provide for public notice of the proposed definition and test procedures;

(3) provide a reasonable opportunity for public comment on such definition and procedures; and

(4) consider such comments, if any, before making its final determination with respect to such definition and procedures.

(e) **TESTING RESULTS: REPORTS AND PUBLIC DISCLOSURE.**—The Nuclear Regulatory Commission shall transmit to Congress a report on the results of each test conducted under this section and shall make such results available to the public.

(f) **INAPPLICABILITY TO MEDICAL DEVICES.**—Subsections (a) through (c) shall not apply with respect to HLRW in any form contained in a medical device designed for individual human application.

(g) **INAPPLICABILITY TO MILITARY USES.**—Subsections (a) through (c) shall not apply to HLRW in the form of nuclear weapons or to other shipments of HLRW determined by the Department of Energy to be directly connected with the United States national security or defense programs.

(h) **PAYMENT OF COSTS.**—All costs incurred by the Nuclear Regulatory Commission associated with the testing program required by this section, and administrative costs related thereto, shall be reimbursed to the Nuclear Regulatory Commission by any foreign country receiving HLRW shipped through

the United States in containers specified by the Commission.

(i) **DEFINITION.**—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

(j) **DEFINITION.**—For the purposes of this Act, "high-level radioactive waste" means "high-level radioactive waste" as defined in Section 2(12) of the Nuclear Waste Policy Act of 1982 (P.L. 97-425).